

NOV 15 1989

JOSEPH F. SPANIOLO, JR.
CLERK

In The
Supreme Court of the United States
October Term, 1989

EDDIE KELLER; RAYMOND BROSTERHOUS; DAN M.
KINTER; DAVID LAMPE; GARRETT BEAUMONT;
CHRISTOPHER L. FAIRCHILD; JOHN A. GRODNIER;
CHRISTOPHER N. HEARD; LEONARD C. HOAR, JR.;
J. ROBERT JIBSON; CHARLES P. JUST; DAROLD D. PIEPER;
THOMAS HUNTER RUSSELL; NANCY L. SWEET;
MICHAEL J. WEINBERGER; DAVID E. WHITTINGTON;
THOMAS R. YANGER; WARD A. CAMPBELL; DONALD C.
MEANY; ASSEMBLYMAN PATRICK J. NOLAN; and
A. WELLS PETERSEN,

Petitioners,

v.

STATE BAR OF CALIFORNIA, a public corporation;
ANTHONY M. MURRAY; PATRICIA GREENE; GIRT K.
HIRSCHBERG; LELAND R. SELNA, JR.; GEOFFREY VAN
LOUKS; THOMAS W. ERES; JOHN H. COSTANZO;
GEORGE W. COUCH, III; BURKE M. CRITCHFIELD;
THOMAS R. DAVIS; DIXON Q. DERN; RUTH CHURCH
GUPTA; DALE E. HANST; LEONARD HERR; ROBERT A.
HINE; MARTA MACIAS; PHILLIP SCHAFER; CRAIG A.
SILBERMAN; DANIEL J. TOBIN; JAMES D. WARD; and
JOON HEE RHO,

Respondents.

On Writ of Certiorari in the Supreme Court of California

JOINT APPENDIX
VOLUME II

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Petition for Certiorari filed May 24, 1989.
Certiorari granted October 2, 1989.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

| | |
|-----------------------------------|--------------------|
| EDDIE KELLER, et al., |) CIV. NO. 307168 |
| Petitioners and Plaintiffs, |) |
| v. |) MEMORAN- |
| STATE BAR OF CALIFORNIA, a public |) D U M O F |
| corporation; ANTHONY M. MURRAY; |) POINTS AND |
| PATRICIA GREENE; GIRT K. |) AUTHORITIES |
| HIRSCHBERG, LELAND R. SELNA, JR.; |) IN OPPOSITION |
| GEOFFREY VAN LOUKS; THOMAS W. |) TO MOTION |
| ERES; JOHN J. COSTANZA; GEORGE W. |) FOR PRELIMI- |
| COUCH, III; BURKE M. CRITCHFIELD; |) NARY INJUNC- |
| THOMAS R. DAVIS; DIXON Q. DERN; |) TION - ERRATA |
| RUTH CHURCH GUPTA; DALE E. |) (Filed Jan. 27, |
| HANST; LEONARD HERR; ROBERT A. |) 1983) |
| HINE; PHYLLIS M. HIX; MARTA |) DATE: |
| MACIAS; PHILLIP SCHAFER; CRAIG A. |) January 28, 1983 |
| SILBERMAN; DANIEL J. TOBIN; JAMES |) TIME: 9:00 A.M. |
| D. WARD; AND JOON HEE RHO, |) DEPT.: 16 |
| Respondents and Defendants. |) |

1. Page 16, line 22 – "same analysis permit" should be "same analysis to permit."
2. Page 19, lines 16-18 – delete first sentence of paragraph and insert the following footnote at the end of line 20:

The Declaration of Magdalene Y. O'Rourke in support of this Memorandum sets forth reasons for the original enactment."
3. Page 21, line 24 – delete "retention."
4. Page 22, line 20 – the word "legislation" should be "legislative authorization."

DATED: January 25, 1983

Respectfully submitted,

HUFSTEDLER, MILLER, CARLSON
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF SACRAMENTO

| | |
|-----------------------------------|-------------------|
| EDDIE KELLER, et al., |) Civ. No. 307168 |
| Petitioners and Plaintiffs, |) FIRST |
| |) AMENDED |
| v. |) ANSWER |
| STATE BAR OF CALIFORNIA, a public |) (C.C.P. § 472) |
| corporation; ANTHONY M. MURRAY; |) (Filed Feb. 4, |
| PATRICIA GREENE; GIRT K. |) 1983) |
| HIRSCHBERG; LELAND R. SELNA, |) |
| JR.; GEOFFREY VAN LOUKS; |) |
| THOMAS W. ERES; JOHN J. COS- |) |
| TANZO; GEORGE W. COUCH, III; |) |
| BURKE M. CRITCHFIELD; THOMAS |) |
| R. DAVIS; DIXON Q. DERN; RUTH |) |
| CHURCH GUPTA; DALE E. HANST; |) |
| LEONARD HERR; ROBERT A. HINE; |) |
| PHYLLIS M. HIX; MARTA MACIAS; |) |
| PHILLIP SCHAFER; CRAIG A. SIL- |) |
| BERMAN; DANIEL J. TOBIN; JAMES |) |
| D. WARD; AND JOON HEE RHO, |) |
| Respondents and Defendants. |) |

Pursuant to Code of Civil Procedure § 472, defendants (with the exception of defendant, Phyllis M. Hix), for their First Amended Answer allege as follows:

1. Defendants admit the allegations of Paragraph 1 of the Complaint, except that defendants deny that any expenditures are being made for political and ideological purposes in violation of petitioners' and plaintiffs' constitutional rights to freedom of speech and association.

2. Defendants lack sufficient information or belief to enable them to admit or deny plaintiffs' allegations that they will continue to pay dues to the State Bar as required by law. On the basis of this lack of information and belief, defendants deny such allegations. Except as so denied herein, defendants admit the allegations of Paragraphs 2 of the Complaint.

3. Defendants admit the allegations of Paragraph 3 of the Complaint.

4. Defendants admit the allegations of Paragraph 4 of the Complaint.

5. In response to the allegations of Paragraph 5 of the Complaint, defendants allege that the provisions of the California Constitution, and the Business and Professions Code, speak for themselves, and that basic membership dues for the State Bar are as set by the legislature. Except as so alleged, defendants deny, generally and specifically, each and every allegation of Paragraph 5 of the Complaint.

6. Defendants admit that the State Bar of California has expended revenues for lobbying, the submission of

briefs *amicus curiae*, financing meetings for the Conference of Delegates, publicizing the speeches of the President of the State Bar, and financing a public information project on the judiciary. Except as so admitted, defendants deny, generally and specifically, each and every allegation of Paragraph 6 of the Complaint.

7. Defendants have no information or belief sufficient to enable them to respond to the allegations of Paragraph 7 of the Complaint, and on that basis deny, generally and specifically, each and every allegation of Paragraph 7.

8. Defendants deny generally and specifically each and every allegation of Paragraph 8 of the Complaint.

9. Defendants deny generally and specifically each and every allegation of Paragraph 9 of the Complaint.

10. Defendants deny generally and specifically each and every allegation of Paragraph 10 of the Complaint. Defendants further deny, generally and specifically, that petitioners and plaintiffs are entitled to the remedies sought herein, or to any remedy at all.

FIRST FURTHER AND SEPARATE DEFENSE

11. Plaintiffs have failed to state a cause of action upon which relief can be granted.

SECOND FURTHER AND SEPARATE DEFENSE

12. Plaintiffs have been members of the State Bar of California for a significant time and for some time have

been familiar with the activities and programs of the State Bar, including those complained of in this suit.

13. Despite their knowledge of State Bar activities, the plaintiffs waited until Fall of 1982 to institute this suit and to apprise the State Bar of their objections to State Bar programs. While plaintiffs have not alleged with specificity any of the particular activities to which they object, all of the programs complained of in this suit have been conducted by the State Bar for a number of years.

14. Plaintiffs' delay in instituting this suit, and particularly their actions in waiting until after the Legislature had completed its consideration of the 1983 State Bar fees bill will result in prejudice to the defendant State Bar in that without knowledge of plaintiffs' objections and with legislative authorization, the State Bar has committed itself to support a number of programs, has expended sums for planning and administration of these programs, has entered into contracts with employees to further its programs, and has expended sums for program costs already incurred.

15. By virtue of the foregoing, plaintiffs are barred from seeking equitable relief by the doctrine of laches.

THIRD FURTHER AND SEPARATE DEFENSE

16. Defendants incorporate by reference as if set forth herein in full each and every allegation of Paragraphs 12 through 14 above.

17. Plaintiffs' actions in bringing the suit herein are designed to promote plaintiffs' own personal, private interests by attempting to interfere with legitimate and

legislatively authorized governmental activities and to impose an unlawful prior restraint on the expression and association of defendants and of members of the State Bar with whom plaintiffs disagree. By virtue of the foregoing, the plaintiffs are barred from equitable relief herein by the doctrine of unclean hands.

FOURTH FURTHER AND SEPARATE DEFENSE

18. Defendants incorporate as if set forth in full herein each and every allegation set forth in Paragraphs 12 through 14 above. By virtue of the foregoing, plaintiffs have waived any possible claims against defendants and plaintiffs are estopped and barred from claiming any rights to equitable relief.

FIFTH FURTHER AND SEPARATE DEFENSE

19. Defendants' actions are privileged and protected under the First and Fourteenth Amendments of the United States Constitution and Article 1, Section 2 of the California Constitution. Defendants are further privileged in that all actions complained of in plaintiffs' Complaint were undertaken pursuant to legislative authorization and in good faith by defendants while they served as members of the Board of Governors of the State Bar, a governmental entity.

WHEREFORE, these answering defendants pray that:

1. The relief sought by the Petition and Complaint be denied;

2. Defendants be permitted to recover from plaintiffs their costs of this suit, including their reasonable attorneys' fees, and

3. The Court grant defendants such other and further relief as it deems just and proper.

DATED: February 3, 1983.

HUFSTEDLER, MILLER, CARLSON
& BEARDSLEY
ROBERT S. THOMPSON
LAURIE D. ZELON
MARY E. HEALY

HERBERT M. ROSENTHAL
TRUIT A. RACHEY, JR.
MAGDALENE Y. O'ROURKE

By /s/ Mary E. Healy
Mary E. Healy
Attorneys for Defendants

IN THE SUPERIOR COURT OF THE
STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SACRAMENTO

| | |
|---------------------------|-----------------------|
| EDDIE KELLER, et al., |) NO. 307168 DEPT. 16 |
| Petitioners & Plaintiffs, |) |
| vs. |) ORDER DENYING |
| STATE BAR OF CALIFORNIA, |) PRELIMINARY |
| et al., |) INJUNCTION AND |
| Respondents & Defendants. |) DISSOLVING |
| |) TEMPORARY |
| |) RESTRAINING |
| |) ORDER |
| |) (Filed MAR 4 1983) |

The motion of petitioners and plaintiffs for a preliminary injunction came on regularly for hearing by the Court on January 28, 1983, pursuant to an order to show cause issued by this Court on October 26, 1982, and the order continuing the hearing on the motion issued by this Court on December 2, 1982. Plaintiffs and petitioners appeared by counsel Anthony T. Caso of the Pacific Legal Foundation. Defendants and respondents appeared by counsel Robert S. Thompson of Hufstedler, Miller, Carlson & Beardsley. Counsel Michael Rubin of Altshuler and Berzon appeared on behalf of the Bar Association of San Francisco and the Lawyers Club of San Francisco as amici curiae in support of defendants and respondents.

The showing by plaintiffs appears to the Court to indicate that upon trial it is unlikely that they will prevail in obtaining injunctive relief coterminous with their request. The California Constitution and statutes appear to authorize the current activities of defendant leaving only the issues of the United States Constitution as raised

by *Abood v. Detroit Board of Education* (1977) 431 U.S. 209; 97 S.Ct. 1782 to be raised at trial. In other words, it appears unlikely the plaintiffs will be able to prohibit the "political" or "ideological" activities of the State Bar and/or the Board of Bar Governors in toto. To so rule would, while protecting the freedom of speech of plaintiff, deny the same right of the rest of the members of the State Bar who do not so object to those activities. The *Abood* case talks not of the power of the defendant entity to speak, but of using the dues of objecting members to finance speech they disagree with.

Without expressing an opinion on whether *Abood* controls here, to issue a preliminary injunction per *Abood* will necessitate the determination with specificity which activities of the State Bar are "political" or ideological" and which are germane to the legitimate pursuits of the State Bar assigned to it by law. These determinations should wait trial. It is impossible, even if it be found at this point that *Abood* controls, to determine the above issues with accuracy and to determine the portions of dues attributable to the support of each of them sufficient to frame a proper order.

The Court further feels that with the lengthy background of this defendant's activities, going back years, the ordinary course of the early part of a legislative session, and the lack of imminent judicial elections, it is difficult to find "irreparable injury" to plaintiffs. The State Bar is pursuing for now the traditional activities they have engaged in for many years. The results of this challenge should await a full hearing. The elections are now over and the need for the temporary restraining order is past.

IT IS HEREBY ORDERED that the temporary restraining order of October 26, 1982, is dissolved, and the motion for preliminary injunction is denied.

DATED: MAR 4 1983

/s/ FRED W. MARLER JR.
JUDGE OF THE SUPERIOR COURT

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
 FOR THE COUNTY OF SACRAMENTO

| | | |
|---------------------------------|---|-----------------|
| EDDIE KELLER, et al., |) | |
| Petitioners and Plaintiffs, |) | |
| v. |) | |
| STATE BAR OF CALIFORNIA, a |) | |
| public corporation; ANTHONY M. |) | |
| MURRAY; PATRICIA GREENE; GIRT |) | |
| K. HIRSCHBERG; LELAND R. SELNA, |) | |
| Jr.; GEOFFREY VAN LOUCKS; |) | Civ. No. 307168 |
| THOMAS W. ERES; JOHN J. |) | |
| COSTANZO; GEORGE W. COUCH, III; |) | SECOND |
| BURKE M. CRITCHFIELD; THOMAS |) | AMENDED |
| R. DAVIS; DIXON Q. DERN; RUTH |) | ANSWER |
| CHURCH GUPTA; DALE E. HANST; |) | |
| LEONARD HERR; ROBERT A. HINE; |) | |
| PHYLLIS M. HIX; MARTA MACIAS; |) | |
| PHILLIP SCHAFER; CRAIG A. |) | |
| SILBERMAN; DANIEL J. TOBIN; |) | |
| JAMES D. WARD; and JOON HEE |) | |
| RHO, |) | |
| Respondents and Defendants. |) | |

For their Second Amended Answer, defendants (with the exception of defendant, Phyllis M. Hix), allege as follows:

1. Defendants admit the allegations of Paragraph 1 of the Complaint except that defendants deny that any expenditures are being made for political and ideological purposes in violation of petitioners' and plaintiffs' constitutional rights to freedom of speech and association.
2. Defendants lack sufficient information or belief to enable them to admit or deny plaintiffs' allegations that they will continue to pay dues to the State Bar as required by law. On the basis of this lack of information and belief, defendants deny such allegations. Except as so denied herein, defendants admit the allegations of Paragraph 2 of the Complaint.
3. Defendants admit the allegations of Paragraph 3 of the Complaint.
4. Defendants admit the allegations of Paragraph 4 of the Complaint.
5. In response to the allegations of Paragraph 5 of the Complaint, defendants allege that the provisions of the California Constitution, and the Business and Professions Code, speak for themselves, and that basic membership dues for the State Bar are as set by the Legislature. Except as so alleged, defendants deny, generally and specifically, each and every allegation of Paragraph 5 of the Complaint.
6. Defendants admit that The State Bar of California has expended revenues for lobbying, the submission of briefs *amicus curiae*, financing meetings of the Conference of

Delegates, publicizing the speeches of the President of the State Bar, and financing a public information project on the judiciary. Except as so admitted, defendants deny, generally and specifically, each and every allegation of Paragraph 6 of the Complaint.

7. Defendants have no information or belief sufficient to enable them to respond to the allegations of Paragraph 7 of the Complaint, and on that basis deny, generally and specifically, each and every allegation of Paragraph 7.

8. Defendants deny generally and specifically each and every allegation of Paragraph 8 of the Complaint.

9. Defendants deny generally and specifically each and every allegation of Paragraph 9 of the Complaint.

10. Defendants deny generally and specifically each and every allegation of Paragraph 10 of the Complaint. Defendants further deny, generally and specifically, that petitioners and plaintiffs are entitled to the remedies sought herein, or to any remedy at all.

FIRST FURTHER AND SEPARATE DEFENSE

11. Plaintiffs have failed to state a cause of action upon which relief can be granted.

SECOND FURTHER AND SEPARATE DEFENSE

12. Plaintiffs have been members of The State Bar of California for a significant time and for some time have been familiar with the activities and programs of the State Bar, including those complained of in this suit.

13. Despite their knowledge of State Bar activities, the plaintiffs waited until fall of 1982 to institute this suit and to apprise the State Bar of their objections to State Bar programs. While plaintiffs have not alleged with specificity any of the particular activities to which they object, all of the programs complained of in this suit have been conducted by the State Bar for a number of years.

14. Plaintiffs' delay in instituting this suit, and particularly their actions in waiting until after the Legislature had completed its consideration of the 1983 State Bar fees bill will result in prejudice to defendant State Bar in that without knowledge of plaintiffs' objections and with legislative authorization, the State Bar has committed itself to support a number of programs, has expended sums for planning and administration of these programs, has entered into contracts with employees to further its programs, and has expended sums for program costs already incurred.

15. By virtue of the foregoing, plaintiffs are barred from seeking equitable relief by the doctrine of laches.

THIRD FURTHER AND SEPARATE DEFENSE

16. Defendants incorporate by reference as if set forth herein in full each and every allegation of Paragraphs 12 and 13 above.

17. Defendants are informed and believe that one of Plaintiffs' purposes in filing this action on October 25, 1982 was to attempt to characterize lawful State Bar programs, particularly the State Bar's public education project on an independent judiciary and the speaking

program of the President of the State Bar on this subject, as promoting "political and ideological causes" or "beliefs", and by so doing attempt to advance their own partisan "political and ideological" interests. Defendants are further informed and believe that plaintiffs also sought to create a chilling effect on and sought to impose an unlawful prior restraint on defendants' rights and duties to freely speak and associate and conduct the legitimate and lawfully authorized governmental activities of defendant State Bar. By virtue of the foregoing plaintiffs are barred from equitable relief by the doctrine of unclean hands.

18. Defendants are informed and believe that plaintiffs and the Pacific Legal Foundation have joined together in this suit to further their own "political and ideological causes" and "beliefs". Defendants are further informed and believe that Pacific Legal Foundation is a tax-exempt organization. Because of that status, all taxpayers, including defendant Board members, are compelled to support or subsidize the activities of Pacific Legal Foundation whether they agree or disagree with the "causes" or "beliefs" promoted by the activities of plaintiffs and Pacific Legal Foundation, including this suit against defendants.

19. Defendants have denied, and continue to deny, plaintiffs' claims that activities of the State Bar violate plaintiffs' constitutional rights to freedom of speech and association because defendants' activities promote "political and ideological causes" and "beliefs" and the activities are financed by the compulsory fees of plaintiffs who oppose the "causes" and "beliefs" promoted by these activities. Nonetheless, if defendants' activities are in any

way deemed unconstitutional because of mandatory financial support by those who would object, then activities of plaintiffs and Pacific Legal Foundation are similarly unconstitutional. By virtue of the foregoing, plaintiffs are estopped from claiming equitable relief herein and/or are barred from such relief by the doctrine of unclean hands.

FOURTH FURTHER AND SEPARATE DEFENSE

20. Defendants' actions are privileged and protected under the First and Fourteenth Amendments of the United States Constitution and Article 1, Section 2 of the California Constitution. Defendants are further privileged in that all actions complained of in plaintiff's Complaint were undertaken pursuant to legislative authorization and in good faith by defendants while they served as members of the Board of Governors of the State Bar, a governmental entity.

WHEREFORE, these answering defendants pray that:

1. The relief sought by the Petition and Complaint be denied;
2. Defendants be permitted to recover from plaintiffs their costs of this suit, including their reasonable attorneys' fees; and
3. The Court grant defendants such other and further relief as it deems just and proper.

DATED: March 29, 1983

HUFSTEDLER, MILLER, CARLSON
& BEARDLSEY
ROBERT S. THOMPSON
LAURIE D. ZELON
MARY E. HEALY

HERBERT M. ROSENTHAL
TRUITT A. RICHEY, Jr.
MAGDALENE Y. O'ROURKE

By /s/ Magdalene Y. O'Rourke
Magdalene Y. O'Rourke
Attorneys for Defendants

(Filed in Sacramento County Superior Court)

DECLARATION OF PETER J. JENSEN

I, PETER J. JENSEN, declare:

1. That I am retained by the State Bar of California to perform services for the State Bar in the capacity of an independent contractor, acting as a Legislative Representative for that organization.

2. That in performing my duties as Legislative Representative for the State Bar of California I represent the State Bar of California as a public corporation and not the individual members of the State Bar of California.

3. That the foregoing statements are within my personal knowledge and, if sworn as a witness, I can testify competently thereto.

Executed on November 14, 1983 in Sacramento, Sacramento County, California.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Peter Jensen

(Filed in Sacramento County Superior Court)

DECLARATION OF TERRANCE W. FLANIGAN

I, Terrance W. Flanigan, declare:

1. That I am retained by The State Bar of California to perform services for the State Bar in the capacity of

independent contractor, acting as a legislative representative for that organization.

2. That in performing my duties as legislative representative for The State Bar of California I represent The State Bar of California as a public corporation and not the individual members of The State Bar of California.

3. That the foregoing statements are within my personal knowledge and, if sworn as a witness, I can testify competently thereto.

Executed on November 14, 1983 in San Francisco, San Francisco County, California.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Terrance W. Flanigan
TERRANCE W. FLANIGAN

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FOR THE COUNTY OF SACRAMENTO

| | | |
|-------------------------------|---|------------|
| EDDIE KELLER, et al., |) | No. 307168 |
| Petitioners and Plaintiffs, |) | |
| v. |) | |
| STATE BAR OF CALIFORNIA, |) | |
| a public corporation, et al., |) | |
| Respondents and Defendants. |) | |
| <hr/> | | |

I N D E X T O
ATTACHMENTS TO
MOTION FOR PAR-
TIAL SUMMARY
JUDGMENT

Attachment A: Three documents entitled Report of Lobbyist Employer.

Attachment B: [Not included.]

Attachment C: One document entitled Nature and Interests of the Filer filed by the State Bar of California with the Secretary of State.

Attachment D: [Not included.]

Attachment E: State Bar of California Financial Statement, December 31, 1982, Statement of Revenues, Expenses and Changes in Fund Balances, compiled by Peat, Marwick, Mitchell & Co.

Attachment F: Page Nos. 13-15 of Enclosure A and Page No. 3 of Enclosure C to a document entitled Multi-Year Fee Ceiling Background, first submitted to this Court as Exhibit 2 to the State Bar's Points and Authorities in Opposition to Motion for Preliminary Injunction.

Attachment G: Appendix A to respondent and defendant's response to Interrogatory No. 9.

Attachment H: Page Nos. 9-10 of Enclosure A to document entitled Multi-Year Fee Ceiling Background, *supra*.

Attachment I: Appendix B to the respondent and defendant's response to Interrogatory No. 11.

Attachment J: Page No. 17 of Enclosure A to document entitled Multi-Year Fee Ceiling Background, *supra*.

Attachment K: Index by Subject to resolutions to be presented to the 1982 Conference of Delegates; document entitled Status of 1980 and 1981 Conference Resolutions.

Attachment L: State Bar News Releases dated April 6, 1983; February 26, 1983; October 8, 1983; October 1, 1982; and September 12, 1982.

ATTACHMENT A

RECEIVED AND FILED

in the office of the Secretary of State
of the State of California

MAY 03 1982

MARCH FONG EU, Secretary of State

[] REPORT OF LOBBYIST EMPLOYER

(Government Code Section 86108(a))

[] REPORT OF PERSON SPENDING \$2,500 OR MORE TO INFLUENCE LEGISLATIVE OR ADMINISTRATIVE ACTION

(Government Code Section 86108(b))

Report Covers Period From 1/1/82 through 3/31/82
Cumulative Period Beginning 1/1/82

(SEAL)

Print or Type All Information

For information required to be provided to you pursuant to the Information Practices Act of 1977, see "Information Manual for Lobbying Disclosure Provisions of the Political Reform Act"

Name State Bar of California

Business Address (Number and Street)
(City) (State) (Zip Code) 555 Franklin St.,
San Francisco, CA 94102

Telephone Number (415) 561-8200

PART I - LOBBYING ACTIVITIES

Specific Description of Legislative (Bill No.) or Administrative Action Actively Influenced or Attempted to Influence This Period AB's 629, 707, 843, 1029, 1209, 1439, 1850, 1883, 1950, 1983, 2452, 2913, 3274, 3483, 3530, 3552, 3569, 3576, 3607, 3618, 3625, 3651, 3657, 3684, 3689, 3712, 3728; ACA 78; SB's 1372, 1924, 1944, 1980, 1988, 1998, AB's 490, 606, 622, 798, 1040, 1191, 1383, 2174, 2284, 2312, 2331, 2340, 2341, 2357, 2365, 2371, 2382, 2426, 2567, 2750, 2751, 3170, ACA 49; SB's 203, 267, 500, 884, 1025, 1360, 1436, SCA's 10, 27.

State Agency Involved Members of the Legislature

Attach additional information on appropriately labeled continuation sheets

PART II - INDIVIDUAL LOBBYIST EMPLOYED - (to be completed only by lobbyist employers)

| OFFICIAL USE ONLY | FULL NAME OF LOBBYIST | (A) SALARIES, FEES, RETAINERS | (B) REIMBURSE- MENTS OF EXPENSES |
|-------------------------|-----------------------------|----------------------------------------|-------------------------------------------|
| | Terrance Flanigan | \$11,000.01 | \$1,282.70 |
| | Peter Jensen | 12,575.01 | 1,669.55 |
| | Leesa Speer | 8,274.00 | 1,659.68 |
| | | \$31,849.02 | \$4,611.93 |

| (C) ADVANCES OR OTHER PAYMENTS (ATTACH EXPLANATION) | (D) TOTAL THIS PERIOD | (E) CUMULATIVE TOTAL TO DATE |
|--------------------------------------------------------------------|--------------------------------|---------------------------------------|
| \$ -0- | \$12,282.71 | \$12,282.71 |
| -0- | 14,244.56 | 14,244.56 |
| -0- | 9,933.68 | 9,933.68 |
| -0- | \$36,460.95 | \$36,460.95 |

VERIFICATION

Is this the first report for this calendar year? ☒ Yes (Attach Form 670) ☐ No

Is this report being filed by a business entity which has been retained to influence legislative or administrative action? ☐ Yes (Attach Form 600) ☒ No

I declare under penalty of perjury that this report is to the best of my knowledge true and complete and that I have used all reasonable diligence in its preparation.

Executed on (Date) April 29, 1982 At (City and State) San Francisco, California By (Signature of filer or authorized agent) Mary G. Wailes

Name of Filer The State Bar of California

PART III - PAYMENTS

SECTION A: ACTIVITY EXPENSES INCURRED BY THE FILER

Payments which benefit (directly or indirectly) any elective state official, legislative official, agency official, state candidate or member of their immediate family.

1. Payments aggregating \$25 or more this period: N.A.
2. Total payments aggregating less than \$25 this period

SECTION B: OTHER PAYMENTS TO INFLUENCE LEGISLATIVE OR ADMINISTRATIVE ACTION

(Other than to a lobbyist, but including payments to retained entities)

1. Payments aggregating \$25 or more this period for goods and services provided outside the filer's organization.

| Date | Name and Address of Payee |
|----------|------------------------------|
| 02-16-82 | Winner, Wagner & Assoc. Inc. |
| 03-26-82 | Winner, Wagner & Assoc. Inc. |
| 03-26-82 | Winner, Wagner & Assoc. Inc. |

| Description of Consideration | Amount |
|--------------------------------------|-------------|
| 01/82 Prof. fees and expenses reimb. | \$ 4,344.15 |
| 02/82 Prof. fees and expenses reimb. | 4,270.70 |
| 03/82 Prof. fees and expenses reimb. | 4,048.35 |

TOTAL 1. \$ 12,663.20

2. Payments aggregating less than \$25 this period for goods and services provided *outside* the filer's organization

TOTAL 2. \$ 219.70

3. Payments for costs incurred *within* the filer's own organization:

Gross compensation of employees paid less than \$1,000 this period \$ -0-

Gross compensation of employees paid \$1,000 or more this period \$ 9,903.00

(Attach list showing names, titles and amount attributable to each person)

Other overhead incurred by filer (need not be itemized) \$13,788.36

TOTAL 3. \$23,691.36

TOTAL SECTION B \$36,574.26

GRAND TOTAL - PART II (Column D) AND PART III (Sections A & B) \$ 73,035.21

OPTIONAL

Total-expenses this period to influence legislative action \$

Total expenses this period to influence administrative action \$

PART IV - CAMPAIGN CONTRIBUTIONS: STATE AND LOCAL* N.A.

**Disclosure in this report does not relieve a filer of any obligation to file the campaign reports required by Government Code Section 84200*

Gross compensation of employees paid \$1,000 or more this period:

| | |
|-----------------------------------------------------------|-----------------|
| 1. Eleanor Danielson - Senior Administrative Assistant | \$ 6,321.00 |
| 2. Anita Montiero - Senior Secretary | <u>3,582.00</u> |
| | \$ 9,903.00 |

RECEIVED AND FILED

in the office of the Secretary of State
of the State of California

AUG 02 1982

MARCH FONG EU, Secretary of State

[X] REPORT OF LOBBYIST EMPLOYER
(Government Code Section 86108(a))

[] REPORT OF PERSON SPENDING \$2,500 OR MORE
TO INFLUENCE LEGISLATIVE OR ADMINISTRATIVE
ACTION
(Government Code Section 86108(b))

(If the only payments made were payments which directly or indirectly benefit any elective state official, legislative official, or agency official or members of the immediate family of such official this report does not need to be filed.)

(SEAL)

Report Covers Period From 4/1/82 Through 6/30/82
Cumulative Period Beginning 1/1/82

— Print or Type All Information

For information required to be provided to you pursuant to the Information Practices Act of 1977, see "Information Manual for Lobbying Disclosure Provisions of the Political Reform Act"

Name State Bar of California

Business Address (Number and Street) 555 Franklin
Street (City) San Francisco (State) CA (Zip
Code) 94102 Telephone Number (415) 561-8200

PART I - LOBBYING ACTIVITIES

Specific Description of Legislative (Bill No.) or Administrative Action Actively Influenced or Attempted to Influence This Period

AB 104, 129, 188, 256, 298, 351, 365, 424, 490, 590, 603, 622, 238, 690, 707, 718, 726, 728, 798, 829, 843, 877, 912, 961, 997, 1007, 1040, 1156, 1166, 1209, 1210, 1279, 1339, 1383, 1387, 1495, 1607, 1706, 1787, 1805, 1850, 1928, 1985, 2038, 2130, 2174, 2202, 2284, 2312, 2330, 2332, 2339, 2340, 2349, 2357, 2365, 2370, 2377, 2382, 2383, 2384, 2386, 2392, 2393, 2407, 2416, 2424, 2426, 2436, 2437, 2443, 2446, 2449, 2452,

2477, 2484, 2493, 2501, 2516, 2525, 2540, 2544, 2545, 2546, 2557, 2567, 2570, 2586, 2588, 2591, 2593, 2595, 2597, 2604, 2622, 2684, 2687, 2702, 2704, 2705, 2710, 2750

State Agency Involved Members of the
Legislature Governor

PART II - INDIVIDUAL LOBBYIST EMPLOYED - (To be completed only by lobbyist employers)

| OFFICIAL USE ONLY | FULL NAME OF LOBBYIST | (A) SALARIES, FEES, RETAINERS | (B) REIMBURSE- MENTS OF EXPENSES |
|--------------------------------------------------------------------|--------------------------------|----------------------------------------|-------------------------------------------|
| | Terrance Flanigan | 11,000.01 | 1,180.94 |
| | Peter Jensen | 12,575.01 | 1,729.14 |
| | Leesa Speer | 8,274.00 | 1,503.43 |
| | | 31,849.02 | 4,413.51 |
| (C) ADVANCES OR OTHER PAYMENTS (ATTACH EXPLANATION) | (D) TOTAL THIS PERIOD | (E) CUMULATIVE TOTAL TO DATE | |
| -0- | 12,180.95 | 24,463.66 | |
| -0- | 14,304.15 | 28,548.71 | |
| -0- | 9,777.43 | 19,711.11 | |
| -0- | 36,262.53 | 72,723.48 | |

Attach Additional Information on Appropriately Labeled
Continuation Sheets

VERIFICATION

Is this the first report for this calendar year? ☐ Yes
(attach Form 670) ☐ No

Is this report being filed by a business entity which has
been retained to influence legislative or administrative
action? ☐ Yes (attach Form 680) ☐ No

I declare under penalty of perjury that this report is to the
best of my knowledge true and complete and that I have
used all reasonable diligence in its preparation.

Executed on (date) illegible At (city and
state) illegible By (signature of filer or authorized
agent) illegible

PART III - PAYMENTS

SECTION A: ACTIVITY EXPENSES INCURRED BY THE
FILER

Payments which benefit (directly or indirectly) any elec-
tive state official, legislative official, agency official, state
candidate or member of their immediate family.

Payments aggregating \$25 or more this period: N.A.

SECTION B: OTHER PAYMENTS TO INFLUENCE LEG-
ISLATIVE OR ADMINISTRATIVE ACTION

(Other than to a lobbyist, but including payments to retained
entities)

Payments aggregating \$25 or more this period for goods
and services provided *outside* the filer's organization.

Date Name and Address of Payee

02-04-82 Winner Wagner and Assoc.

03-05-82 "

03-06-82 "

| Description of Consideration | Amount |
|------------------------------|--------|
|------------------------------|--------|

| | |
|-------------------------------------|-------------|
| 04/82 Prof. fees and reimb. of exp. | \$ 4,282.71 |
|-------------------------------------|-------------|

| | |
|-------------------------------------|----------|
| 05/82 Prof. fees and reimb. of exp. | 4,121.03 |
|-------------------------------------|----------|

| | |
|-------------------------------------|----------|
| 06/82 Prof. fees and reimb. of exp. | 4,012.46 |
|-------------------------------------|----------|

Attach additional information on appropriately labeled
continuation sheets

TOTAL 1. \$12,416.20

Payments aggregating less than \$25 this period for goods
and services provided *outside* the filer's organization

TOTAL 2. \$ 186.77

Payments for costs incurred *within* the filer's own
organization:

Gross compensation of employees
paid less than \$1,000 this period \$ -0-

Gross compensation of employees
paid \$1,000 or more this period \$10,188.06

(Attach list showing names, titles and
amount attributable to each person)

Other overhead incurred by filer
(need not be itemized) \$14,962.59

TOTAL 3. \$ 25,150.65

TOTAL SECTION B \$ 37,753.62

GRAND TOTAL - PART II (Column D)

AND PART III (Sections A & B) \$ 74,016.15

PART IV - CAMPAIGN CONTRIBUTIONS: STATE AND
LOCAL* N.A.

**Disclosure in this report does not relieve a filer of any obligation to file the campaign reports required by Government Code Section 84200.*

PART I - LOBBYIST ACTIVITIES (Cont.)

AB 2751, AB 2755, AB 2767, AB 2769, AB 2788, AB 2800, AB 2893, AB 2911, AB 2913, 2964, 4965, 2984, 2985, 2988, 3021, 3026, 3044, 3049, 3147, 3156, 3170, 3235, 32(illegible), 3264, 3274, 3291, 3302, 3309, 3353, 3387, 3427, 3441, 3454, 3483, 3486, 3530, 35(illegible), 3532, 3552, 3557, 3560, 3567, 3568, 3569, 3576, 3596, 3607, 3611, 3612, 3614, 36(illegible), 3625, 3650, 3651, 3657, 3676, 3684, 3689, 3693, 3700, 3712, 3721, 3725, 3728, 37(illegible), 3739, 3756, 3771, 3780, 3784, 3802; ACA 2, 8, 10, 11, 15, 16, 18, 31, 36, 40, 45, 49, 59, 61, 64, 66, 67, 69, 76, 78; ACR 49, AJR 62, 63; SB 14, 63, 221, 247, 267, 294, 299, 304, 305, 332, 341, 385, 396, 500, 516, 580, 587, 720, 745, 820, 884, 902, 1025, 1055, 1082, 1108, 1150, 1208, 1214, 1249, 1250, 1276, 1283, 1286, 129(illegible), 1294, 1300, 1308, 1320, 1327, 1337, 1339, 1349, 1355, 1356, 1360, 1369, 1372, 13(illegible), 1395, 1413, 1436, 1447, 1496, 1512, 1574, 1600, 1609, 1634, 1670, 1672, 1678, 17(illegible), 1730, 1762, 1793, 1837, 1882, 1884, 1891, 1924, 1930, 1936, 1944, 1957, 1973, 19(illegible), 1981, 1988, 1998, 2018, 2022, 2023, 2028, 2032, 2037, 2063; SCA 1, 3, 4, 5, 6, 7, 10, 19, 25, 26, 27, 35, 37, 41; SJR 29; SR 38

Gross compensation of employees paid \$1,000 or more this period

| | |
|------------------------------|--------------------|
| 1. Eleanor Danielson - | |
| Sr. Administrative Assistant | \$ 2,593.11 |
| 2. Anita Montiero - | |
| Sr. Secretary | 3,582.00 |
| 3. Irma Roberts - | |
| Sr. Administrative Assistant | 4,012.95 |
| | <u>\$10,188.06</u> |

RECEIVED AND FILED

In the office of the Secretary of State
of the State of California

NOV 2 1982

MARCH FONG EU, Secretary of State

[X] REPORT OF LOBBYIST EMPLOYER

(Government Code Section 86108(a))

[] REPORT OF PERSON SPENDING \$2,500 OR MORE
TO INFLUENCE LEGISLATIVE OR ADMINISTRATIVE
ACTION

(Government Code Section 86108(b))

(If the only payments made were payments which directly or indirectly benefit any elective state official, legislative official, or agency official or members of the immediate family of such official this report does not need to be filed.)

Report covers period from 7/1/82 through 9/30/82

Cumulative period beginning 1/1/82

(SEAL)

PRINT OR TYPE ALL INFORMATION

For information required to be provided to you pursuant to the information Practices Act of 1977, see "Information Manual for Lobbying Disclosure Provisions of the Political Reform Act"

Name State Bar of California Business Address
(Number and Street) 555 Franklin Street (City) San
Francisco (State) CA (Zip Code) 94102 Telephone
Number (415) 561-8200

PART I - LOBBYING ACTIVITIES

Specific Description of Legislative (Bill No.) or Adminis-
trative Action Actively Influenced or Attempted to Influ-
ence This Period

AB 104, 129, 188, 256, 298, 351, 365, 424, 490, 590, 603, 622,
238, 690, 707, 718, 726, 728, 798, 829, 843, 877, 912, 961,
997, 1007, 1040, 1156, 1166, 1209, 1210, 1279, 1339, 1383,
1387, 1495, 1607, 1706, 1787, 1805, 1850, 1928, 1985, 2038,
2130, 2174, 2202, 2284, 2312, 2330, 2332, 2339, 2392, 2393,
2407, 2416, 2424, 2426, 2436, 2437, 2443, 2446, 2449, 2452,
2477, 2484, 2493, 2501, 2516, 2525, 2540, 2544, 2545, 2546,
2557, 2567, 2570

State Agency Involved
Members of the Legislature Governor

Attach Additional Information on Appropriately
Labeled Continuation Sheets

PART II - INDIVIDUAL LOBBYIST EMPLOYED - (to be
completed only by lobbyist employers)

| OFFICIAL USE ONLY | FULL NAME OF LOBBYIST | (A) SALARIES, FEES, RETAINERS | (B) REIMBURSE- MENTS OF EXPENSES |
|-------------------------|-----------------------------|----------------------------------------|-------------------------------------------|
| | Terrance Flanigan | 11,000.01 | 1,232.91 |
| | Peter Jensen | 12,575.01 | 2,687.94 |
| | Leesa Speer | 9,249.00 | 952.22 |
| | | 32,824.02 | 4,873.07 |

| (C) ADVANCES OR OTHER PAYMENTS (ATTACH EXPLANATION) | (D) TOTAL THIS PERIOD | (E) CUMULATIVE TOTAL TO DATE |
|--------------------------------------------------------------------|--------------------------------|---------------------------------------|
| -0- | 12,232.92 | 36,696.58 |
| -0- | 15,262.95 | 43,811.66 |
| -0- | 10,201.22 | 29,912.33 |
| -0- | 37,697.09 | 110,420.57 |

Attach Additional Information on Appropriately Labeled
Continuation Sheets

VERIFICATION

Is this the first report for this calendar year? ☐ Yes
(attach Form 670) ☒ No

Is this report being filed by a business entity which has
been retained to influence legislative or administrative
action? ☐ Yes (attach Form 680) ☐ No

I declare under penalty of perjury that this report is to the best of my knowledge true and complete and that I have used all reasonable diligence in its preparation.

Executed on (date) October 27, 1982 At (city and state) San Francisco, California By (signature of filer or authorized agent) Mary G. Wailes

PART III - PAYMENTS

SECTION A: ACTIVITY EXPENSES INCURRED BY THE FILER

Payments which benefit (directly or indirectly) any elective state official, legislative official, agency official, state candidate or member of their immediate family.

1. Payments aggregating \$25 or more this period:

N.A.

SECTION B: OTHER PAYMENTS TO INFLUENCE LEGISLATIVE OR ADMINISTRATIVE ACTION

(Other than to a lobbyist, but including payments to retained entities)

1. Payments aggregating \$25 or more this period for goods and services provided *outside* the filer's organization.

| Date | Name and Address of Payee |
|-------|---------------------------|
| 07-82 | Winner, Wagner & Assoc. |
| 08-82 | " |
| 09-82 | " |

| Description of Consideration | Amount |
|-------------------------------------|-------------|
| 06/82 Prof. fees and reimb. of exp. | \$ 3,716.70 |
| 07/82 " | 3,943.60 |
| 08/82 " | 4,078.30 |

Attach additional information on appropriately labeled continuation sheets

TOTAL 1. \$ 11,738.60

2. Payments aggregating less than \$25 this period for goods and services provided *outside* the filer's organization

TOTAL 2. \$ 230.00

3. Payments for costs incurred *within* the filer's own organization:

Gross compensation of employees
paid less than \$1,000 this period \$ -0-

Gross compensation of employees
paid \$1,000 or more this period 8,532.30

(Attach list showing names, titles and
amount attributable to each person)

Other overhead incurred by filer
(need not be itemized) \$15,771.69

TOTAL 3. \$ 24,303.99

TOTAL SECTION B \$ 36,272.59

GRAND TOTAL - PART II (Column D) AND PART III
(Sections A & B) \$ 73,969.68

Optional

Total expenses this period to influence
legislative action \$

Total expenses this period to influence
administrative action \$

PART IV - CAMPAIGN CONTRIBUTIONS: STATE AND
LOCAL* N.A.

**Disclosure in this report does not relieve a filer of any obligation to file the campaign reports required by Government Code Section 84200*

PART I - LOBBYING ACTIVITIES (Cont.)

2586, 2588, 2591, 2593, 2595, 2597, 2604, 2622, 2684, 2687,
2702, 2704, 2710, 2750, 2751, 2755, 2767, 2769, 2788, 2800,
2893, 2911, 2913, 2964, 2965, 2984, 2985, 2988, 3021, 3026,
3044, 3049, 3147, 3156, 3170, 3235, 3258, 3264, 4274, 3291,
3302, 3309, 3353, 3387, 3427, 3441, 3454, 3483, 3486, 3530,
3531, 3532, 3552, 3557, 3560, 3567, 3568, 3569, 3576, 3596,
3607, 3611, 3612, 3614, 3618, 3625, 3650, 3651, 3657, 3676,
3684, 3689, 3693, 3700, 3712, 3721, 3725, 3728, 3736, 3739,
3756, 3771, 3780, 3784, 3802, ACA 2, 8, 10, 11, 15, 16, 18,
31, 36, 40, 45, 49, 59, 61, 64, 66, 67, 69, 76, 78, ACR 48, AJR
62, 63, SB 14, 63, 221, 247, 267, 294, 299, 304, 305, 332, 341,
385, 396, 500, 516, 580, 587, 720, 745, 820, 883, 902, 1025,
1055, 1082, 1108, 1150, 1208, 1214, 1249, 1250, 1276, 1283,
1286, 1290, 1294, 1300, 1308, 1320, 1327, 1337, 1339, 1349,
1355, 1356, 1360, 1369, 1372, 1385, 1395, 1413, 1436, 1447,
1496, 1512, 1574, 1600, 1609, 1634, 1670, 1672, 1678, 1712,
1730, 1762, 1793, 1837, 1882, 1884, 1891, 1924, 1930, 1936,
1944, 1957, 1973, 1980, 1981, 1988, 1998, 2018, 2022, 2023,
2028, 2032, 2037, 2063, SCA 1, 3, 4, 5, 6, 7, 10, 19, 25, 26,
27, 35, 37, 41, SJR 29, SR 38

GROSS COMPENSATION OF
EMPLOYEES PAID \$1,000.00 OR MORE
THIS PERIOD

| | |
|------------------------------|--------------------|
| 1. Irma Roberts - | |
| Sr. Administrative Assistant | \$ 4,890.60 |
| 2. Anita Montiero - | |
| Sr. Secretary | 3,641.70 |
| | <u>\$ 8,532.30</u> |

ATTACHMENT C

RECEIVED AND FILED

In the office of the Secretary of State
of the State of California

MAY 03 1982

MARCH FONG EU, Secretary of State

NATURE AND INTERESTS OF THE FILER

(Government Code Section 86109)

(SEAL)

*You need to complete this schedule only with
the first report filed each year.*

PRINT OR TYPE ALL INFORMATION

*For information required to be provided to you pursuant to the
Information Practices Act of 1977, see Information Manual for
Lobbying Disclosure Provisions of the Political Reform Act"*

Name The State Bar of California Business Address
(Number and Street) 555 Franklin Street, (City) San

Francisco, (State) CA (Zip Code) 94102 Telephone
Number (415) 561-8200

PART I - INDIVIDUAL

• • •

PART II - BUSINESS ENTITY

• • •

PART III - INDUSTRY, TRADE OR PROFESSIONAL ASSOCIATION

• • •

VERIFICATION

I declare under penalty of perjury that this report is to the best of my knowledge true and complete and that I have used all reasonable diligence in its preparation.

Executed on (date) illegible At (city and state) San Francisco, California By (signature of filer or authorized agent) Mary G. Wailes

• • •

PART IV - MISCELLANEOUS

A. Statement of Nature and Purposes

The State Bar of California is a public corporation in the judicial branch of State Government, Article VI, Section 9, California Constitution. See Exhibit A attached hereto.

B. Description of any industry, trade, profession or other group with a common economic interest which is

principally represented or from which membership or financial support is principally derived.

"Every person admitted and licensed to practice law in this State is and shall be a member of the State Bar except while holding office as a judge of a court of record." Article VI, Section 9, California Constitution. See Exhibit A attached hereto.

EXHIBIT A

STATE BAR ORGANIZATION, DUTIES AND POWERS

A. ORGANIZATION

The State Bar of California is a constitutional agency provided for in the judicial article of the California Constitution (art. VI, § 9). The State Bar is a public corporation. (Cal. Const. art. VI, § 9; Bus. & Prof. Code, § 6001.)

The State Bar's property is held for essential public and governmental purposes in the judicial branch of the government, exempt from all taxes of the state or any city, city and county, district, public corporation or other political subdivision, public body or public agency. (Bus. & Prof. Code, 6068.)

The State Bar is governed by a Board of Governors of twenty-two members who are public officers. Sixteen of the twenty-two members are active members of the State Bar. Fifteen of these sixteen members are nominated and elected by active members of the State Bar from nine

geographical districts established by the State Legislature. The sixteenth attorney member of the Board is elected by the board of directors of the California Young Lawyers Association ("CYLA") from the membership of that association. (Bus. & Prof. Code, §§ 6010, 6011, 6012, 6013, 6013.4, 6015, 6019; *Chronicle Publishing Co. v. Superior Court* (1960) 54 Cal.2d 548, 566.)

Six members of the Board are non-attorneys appointed by the Governor, subject to the confirmation of the State Senate. (Bus. & Prof. Code, § 6013.5.) Board members serve for three years (Bus. & Prof. Code, § 6013.5, 6014), except the Board member elected by the board of directors of the CYLA, who serves for one year and is eligible for re-election (Bus. & Prof. Code, § 6013.4). The other fifteen attorney members of the Board may not succeed themselves. (Bus. & Prof. Code, § 6014). Attorney members of the Board receive no compensation except their expenses. (Bus. & Prof. Code, § 6028(b)). Public members of the Board receive \$50 per day for each day actually spent in the discharge of official duties, but in no event shall such payment exceed \$500 per month. (Bus. & Prof. Code, § 6028(c)). The Board annually elects the officers of the State Bar. (Bus. & Prof. Code, §§ 6021-6024).

Members of the State Bar are all persons admitted and licensed to practice law in this state, except justices and judges of courts of record during their continuance in office. (Cal. Const., art. VI, § 9; Bus. & Prof. Code, § 6002).

The activities of the State Bar, except those relating to the functions and duties of the Committee of Bar Examiners, and the Pilot Program on Legal Specialization, are financed with funds derived from annual membership

dues paid by its members. (Bus. & Prof. Code, § 6140). The functions and activities of the Committee of Bar Examiners are financed by fees paid by applicants for admission to practice. (Bus. & Prof. Code, § 6063). All fees are paid into the State Bar treasury and become part of its funds. (Bus. & Prof. Code, § 6144, 6063). While the Legislature has empowered the Board to fix membership fees, it has set maximum fees which the Board may not exceed. (Bus. & Prof. Code, §§ 6140, 6140.3.)

A certified statement showing the total receipts and expenditures of the State Bar for the preceding twelve months is filed with the Chief Justice of the Supreme Court annually. (Bus. & Prof. Code, § 6145.)

B. DUTIES AND POWERS

The Board of Governors exercises the executive functions of the State Bar and enforces the provisions of the State Bar Act. (Bus. & Prof. Code, §§ 6001, 6008.4, 6010, 6030.)

The duties and powers of the State Bar are defined in the Constitution and in the statutes of the State of California, in the California Rules of Court and in decisions of the California Supreme Court.

The State Bar, in the exercise of its constitutional duties, appoints four members of the Judicial Council and two members of the Commission on Judicial Performance. (Cal. Const., art VI, §§ 6, 8.)

The State Bar's statutory, rule and decisional duties fall into several categories, among which the principal ones are:

- (1) Assisting the Supreme Court of California in the matter of admissions to practice law, by investigating and examining applicants and certifying for admission those found to be qualified. (Bus. & Prof. Code, §§ 6060-6066; rule 952(c), Cal. Rules of Court; *Emslie v. State Bar* (1974) 11 Cal. 3d 210, 224; *Bernstein v. Committee of Bar Examiners* (1968) 69 Cal.2d 90; *Staley v. State Bar* (1941) 17 Cal. 2d 119; *In re Admission to Practice Law* (1934) 1 Cal.2d 61.)
- (2) Assisting the California Supreme Court in matters relating to the conduct of members of the State Bar by investigations, hearings and trials, and by administering reprovations and making recommendations to the Supreme Court for suspension or disbarment. (Bus. & Prof. Code, §§ 6075-6087; *Emslie v. State Bar* (1974) 11 Cal.3d 210, 224; *Chronicle Publishing Co. v. Superior Court* (1960) 54 Cal.2d 548; *In re Walker* (1948) 32 Cal. 2d 488.)
- (3) Assisting the California Supreme Court by procuring and transmitting to it records of convictions of State Bar members of crimes involving or appearing to probably involve moral turpitude, conducting hearings in such matters and making recommendations to the Supreme Court for suspension or disbarment. (Bus. & Prof. Code, §§ 6101, 6102; rule 951, Cal. Rules of Court; *In re Smith* (1967) 67 Cal.2d 460; *In re Hallinan* (1954) 43 Cal.2d 243.)
- (4) Assisting the California Supreme Court in the matter of petitions for reinstatement to the practice of law. (Bus. & Prof. Code, § 6082; rule 952(c) and (d), Cal. Rules of Court; *Feinstein v. State Bar* (1952) 39 Cal.2d 541.)

- (5) Cooperating with and giving assistance to the Commission on Judicial Performance. (Gov. Code, § 68725.)
- (6) Assisting the Law Revision Commission. (Gov. Code, § 10307.)
- (7) Enforcing the law relating to the unlawful practice of law and unlawful solicitation of professional employment. (Bus. & Prof. Code, §§ 6030, 6125-6131, 6150-6154.)
- (8) Aiding in all matters pertaining to the advancement of the science of jurisprudence and to the improvement of the administration of justice including, but not by way of limitation, all matters that advance the professional interests of members of the State Bar and such matters as concern the relations of the bar with the public. (Bus. & Prof. Code, § 6031.)
- (9) Enrolling as an inactive member any member who has been adjudged incompetent, mentally ill or insane and who has not been restored to capacity. (Bus. & Prof. Code, § 6007.)
- (10) Enforcing provisions of article 10, chapter 4, division 3 of the Business and Professions Code (§§ 6160-6172) and part 4, division 3, title 1 of the Corporations Code, authorizing the establishment of law corporations.
- (11) Evaluating the judicial qualifications of all potential appointees and nominees for judicial office who are nominated by the Governor of California pursuant to subdivision (d) of Section 16 of Article VI of the California Constitution. Stats. 1979, Ch. 534 § 2 (adding Cal. Gov. Code § 12011.5).

- (12) Establish, maintain and administer a system and procedure for the arbitration of disputes concerning fees charged for professional services by members of the State Bar or by members of the Bar of other jurisdictions (Bus. & Prof. Code §§ 6200-6206).
- (13) Establish and maintain a client security fund to relieve or mitigate pecuniary losses caused by dishonest conduct of active members of the State Bar (Bus. & Prof. Code § 6140.5).
- (14) Make application to the Superior Court in the county in which the attorney practices for assumption by the court of jurisdiction over the law practice of an attorney who dies, resigns, is disbarred or suspended, leaving an unfinished client matter for which no other attorney has assumed responsibility (Bus. & Prof. Code §§ 6180-6180.14).
- (15) Formulate and adopt minimum standards for lawyer reference services in California. (Rule 1-10213, Rules of Professional Conduct).
- (16) Implement and administer the Pilot Program on Legal Specialization as approved by the Supreme Court, effective February 10, 1971.

For the implementation of its duties, the Board of Governors exercises statutory powers to, among other things:

- (1) Do, in respect of its property, all acts necessary or expedient for the administration of its affairs and the attainment of its purposes. (Bus. & Prof. Code, § 6001(g).)

- (2) Formulate and declare rules and regulations necessary or expedient for carrying out the State Bar Act. (Bus. & Prof. Code, § 6025.)
- (3) Formulate with the approval of the Supreme Court rules of professional conduct for all members of the bar and enforce the same. (Bus. & Prof. Code, § 6076.)
- (4) Appoint such committees, officers and employees as it deems necessary or proper. (Bus. & Prof. Code, §§ 6029, 6040-6043, 6045-6046, 6086.5)
- (5) Make appropriations and disbursements from funds of the State Bar to pay all necessary expenses (including fixing and paying salaries) for effectuating the purposes of the State Bar Act. (Bus. & Prof. Code, §§ 6028(a), 6029.)
- (6) Establish and promulgate rules and procedures regarding the investigation of qualification of potential appointees and nominees for judicial office. (Stats. 1979, Ch. 534 § 2(e).)

ATTACHMENT E

THE STATE BAR OF CALIFORNIA

Financial Statements

December 31, 1982

(With Accountants' Report Thereon)

Peat, Marwick, Mitchell & Co.

THE STATE BAR OF CALIFORNIA
Statement of Revenues, Expenses and
Changes in Fund Balances
Year ended December 31, 1982

| | Unrestricted Funds (note 1) | Restricted Funds (note 1) | | | | | |
|----------------------------------------|--------------------------------|---------------------------|----------|---------------------------------|---------|-------------------------|--------------------|
| | General | Admissions | Building | Client Security (note 10) | Grants | Legal Services Trust | Total All Funds |
| Revenues: | | | | | | | |
| Membership fees | \$ 11,732,045 | - | 759,588 | - | - | - | 12,491,633 |
| Examination application fees | - | 3,756,757 | - | - | - | - | 3,756,757 |
| Investment income | 660,725 | 166,255 | 48,073 | 209,307 | - | - | 1,084,360 |
| Law corporation registration fees | 514,811 | - | - | - | - | - | 514,811 |
| Magazine advertisements, subscriptions | 418,976 | - | - | - | - | - | 418,976 |
| Law practices (Sections) fees | 380,996 | - | - | - | - | - | 380,996 |
| Legal specialization fees | 252,127 | - | - | - | - | - | 252,127 |
| Convention income | 160,749 | - | - | - | - | - | 160,749 |
| Grants | - | - | - | - | 170,080 | - | 170,080 |
| Other revenues | 194,459 | 250,544 | - | - | 10,073 | - | 455,076 |
| Total revenues | 14,314,888 | 4,173,556 | 807,661 | 209,307 | 180,153 | - | 19,685,565 |

Expenses:

| | | | | | | | |
|-------------------------------------------------|---------------------|------------------|------------------|------------------|----------------|-----------------|-------------------|
| Examination costs and administration | - | 3,844,374 | - | - | - | - | 3,844,374 |
| Professional standards and competency | 4,050,048 | - | - | - | - | - | 4,050,048 |
| Discipline, administration and counsel | 1,868,213 | - | - | - | - | - | 1,868,213 |
| Legal services, legislation and law reform | 2,005,134 | - | - | - | - | - | 2,005,134 |
| Bar services, including publication of magazine | 2,021,419 | - | - | - | - | - | 2,021,419 |
| Law practices (Sections) | 468,759 | - | - | - | - | - | 468,759 |
| Claims paid, net of reimbursements | - | - | - | 363,161 | - | - | 363,161 |
| Interest expense | 14,243 | 2,170 | 203,190 | - | - | - | 219,603 |
| Legal specialization | 273,875 | - | - | - | - | - | 273,875 |
| General administration | <u>3,217,914</u> | <u>-</u> | <u>211,451</u> | <u>-</u> | <u>190,699</u> | <u>87,498</u> | <u>3,707,562</u> |
| Total expenses | <u>13,919,605</u> | <u>3,846,544</u> | <u>414,641</u> | <u>363,161</u> | <u>190,699</u> | <u>87,498</u> | <u>18,822,148</u> |
| Excess (deficiency) of revenues over expenses | 395,283 | 327,012 | 393,020 | (153,854) | (10,546) | (87,498) | 863,417 |
| Fund balances, beginning of year | 1,372,787 | 237,903 | 2,891,242 | 1,786,483 | 13,183 | - | 6,301,598 |
| Prior period adjustment (note 8) | <u>(91,403)</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>-</u> | <u>(91,403)</u> |
| Fund balance, end of year | <u>\$ 1,676,667</u> | <u>564,915</u> | <u>3,284,262</u> | <u>1,632,629</u> | <u>2,637</u> | <u>(87,498)</u> | <u>7,073,612</u> |

See accompanying notes to financial statements.

ATTACHMENT F

Health, life, accident and disability insurance: The bar Board of Governors approved four plans, underwritten by different insurance carriers, to provide health care coverage for bar members, their employees and their dependents; life insurance for bar members and their dependents; accidental death and dismemberment coverage for bar members and their dependents, and disability income insurance for bar members.

**California Young Lawyers Association*

This organization, to which more than half of California's 75,000 lawyers belong, serves the special needs of bar members 36 years old and under or in practice less than five years. Among CYLA's benefits are:

-Representation on the bar Board of Governors. To better represent the viewpoint of the beginning lawyer, a seat was created on the Board of Governors for a member of the CYLA, selected by the CYLA Board of Directors from among the organization's members. The first CYLA board member was seated in February, 1979. CYLA representatives on the board serve one-year terms.

-Booklets and a videotape program geared toward young lawyers and addressing such subjects as law practice economics and how to set up a law office.

-Discounts on certain Continuing Education of the Bar programs.

-Lawyer employment surveys to keep new lawyers and law school students informed of unemployment and

underemployment rates among lawyers and about other job-market trends.

**Sections*

State bar sections exist to give bar members in a particular field of practice or who share common professional objectives or interests a vehicle for conducting legislative research and analysis; sponsoring specialized seminars, conferences and workshops; and discussing mutual problems and possible solutions. In addition, each section publishes a periodic newsletter for its members. The highly active sections are self-funding through dues contributions by the 29,310 lawyers belonging to the sections, except for legal, administrative and clerical support provided by the state bar.

The bar's 11 sections and their respective memberships are:

- *Antitrust Law (52) (approved April, 1981)
- *Business Law (5,868)
- *Criminal Law (958)
- *Law Office Management (9,247)
- *Estate Planning, Trust and Probate Law (3,921)
- *Family Law (2,587)
- *Legal Services (541)
- *Patent, Trademark and Copyright Law (654)
- *Public Law (730)

*Real Property Law (2,217)

*Taxation (2,535)

All but two – the Law Office Management and Legal Services sections – address a substantive area of the law. The Law Office Management Section presents programs to enhance lawyer competence by teaching lawyers proper business management techniques and studying possible ways of increasing the economical delivery of legal services to the public to improve their access to legal help.

Delivery issues also are the focus of the Legal Services Section, which was formed to enlist lawyer support in the innovation, development and improvement of systems to provide access to legal services, particularly to the middle-and low-income populations of the state. Areas of study by the section include Lawyer Referral Services, legal assistance for the poor, group and prepaid legal services, criminal defense services, public interest law practice, consumer laws, legal services for Senior Citizens, legal services for the disabled and prison inmate legal aid. The section also researches, drafts and recommends legislation for the improvement of legal services delivery in California.

**Committees*

Twenty-two state bar standing committees perform a variety of functions, ranging from legislative analysis to assisting lawyers suffering from alcoholism:

- *Administration of Justice
- *Adoptions

- *Alcohol Abuse
- *Appellate Courts
- *Committee to Confer with the California Medical Association
- *Condemnation
- *Continuing Education of the Bar
- *Courts
- *Ethnic Minority Relations
- *Environment
- *Fair Trial-Free Press
- *Federal Courts
- *Group Insurance Program
- *History of Law
- *Human Rights
- *Jury Instructions
- *Juvenile Justice
- *Maintenance of Professional Competence
- *Professional Responsibility and Conduct
- *Public Affairs
- *Rules and Procedures of Court
- *Workers' Compensation

*Programmatic Analysis of
1982 General Fund Operating Budget*

IMPROVING THE ADMINISTRATION OF JUSTICE

| <u>Program Description</u> | <u>Program Cost</u> |
|-----------------------------------------------|-------------------------|
| Commission on Judicial Nominees Evaluation | \$ 94,235 |
| Volunteers in Parole | 37,027 |
| Legislative Representatives' Office | 420,080 |
| Conference of Delegates | 313,811 |
| Sections and Committees Support | <u>1,006,931</u> |
| TOTAL | <u>\$1,872,084</u> |

ATTACHMENT G

VOLUNTEERS SOUGHT TO SERVE ON
STATE BAR COMMITTEES

Several hundred attorneys volunteer their expertise each year to a wide selection of state bar committees covering nearly every legal field and interest the Board of Governors is proud and appreciative of the volunteers' contributions to the state bar's legislative program, its position on matters affecting the legal profession and its services to the public.

The Board of Governors invites all qualified and interested persons to apply for appointment to the committees, commissions and executive committees describe

below. The board intends to make appointments that will achieve diversity, and broad representation on each committee, and thus encourages the participation of women, minorities and recent bar admittees, as well as more experienced attorneys.

Approximately one-third of the committee and commission members are replaced each year. There are five vacancies for each section executive committee. The appointment procedures for the 1983-84 committee year begin in May and end in late August. Except for the Committee of Bar Examiners, which is a four-year term, members of committees are appointed for one-year terms, running from October 1 to September 30, and may be appointed for two additional terms. Members of section executive committees and all commissions except Corrections are appointed for three-year terms.

Members are reimbursed for expenses incurred in attending meetings, which usually are held alternately in San Francisco and Los Angeles. The number of yearly meetings varies from committee to committee, but they normally last four to six hours and require several hours of preparation.

At its discretion, the Board of Governors may appoint persons nominated by the section to the section executive committee. Nominations for such appointments may be made by an executive committee acting as a nominating committee or by a petition signed by at least 15 members of the section. Active members of a section particularly are encouraged to submit an application for service on the executive committee.

An application form is included. Please submit a separate form for each committee for which you wish to be considered. The deadline for the receipt of application is March 30, 1983. Applications of those persons not appointed initially will be kept on file during the committee year for consideration if vacancies occur. The application should be addressed to the Department of Sections and Committees, Attention: Appointments, The State Bar of California, 555 Franklin St., San Francisco, CA 94102.

COMMITTEES

Administration of Justice

Study and report on proposed changes in the law relating to the administration of justice in the civil practice field.

Vacancies: 10

Yearly commitment: 22 meetings

Adoptions

Study and report on proposed changes in the law of adoption and foster care.

Vacancies: 4

Yearly commitment: 5 meetings

Alcohol Abuse

Provide consulting and educational expertise on alcohol abuse to members of the bar and the bench; research and report on the problem of alcoholism; support legislative or administrative solutions to such problems.

Vacancies: 6

Yearly commitment: 8 meetings

Appellate Courts

Study an report on proposed legislation, rules of court, organization and procedures of the appellate courts.

Vacancies: 5

Yearly commitment: 6 meetings

Bar Examiners

Examine applications and recommend to the state Supreme Court for admission to the bar of those who fulfill the admission requirements; study and report on proposed changes in the law and other matters concerning the requirements of admission to practice law.

Vacancies: 3

Yearly commitment: 12 meetings

To Confer with the California Medical Association

Work with a committee of the California Medical Association on matters of mutual concern.

Vacancies: 3

Yearly commitment: 4 meetings

Condemnation

Study and report on proposed changes in eminent-domain law and procedure.

Vacancies: 5

Yearly commitment: 5 meetings

Continuing Education of the Bar Advisory Committee

Evaluate CEB programs and make recommendations for future programs and related matters.

Vacancies: 5

Yearly commitment: 6 meetings

There also are subcommittee meetings.

Continuing Education of the Bar Governing Committee

Responsible for CEB presentations, review of the budget and overall operation of the CEB.

Vacancies: 1

Yearly commitment: 6 meetings

Environment

Study and report on proposed changes in the law dealing with environmental issues.

Vacancies: 5

Yearly commitment: 6 meetings

Fair Trial and Free Press

Conduct annual bench - bar media conference, discuss possible conflicts between guarantees of fair trial and of free press.

Vacancies: 3

Yearly commitment: 2 meetings

Federal Courts

Study and report on proposed changes in the law relating to practice before the federal courts

Vacancies: 5

Yearly commitment: 6 meetings

Group Insurance Programs

Study proposed insurance programs for state bar members and make recommendations on improvements in existing state bar-approved group insurance programs.

Vacancies: 3

Yearly commitment: 3 meetings

History of the Law

Make recommendations for the preservation of relevant bar historical documents; draft and prepare articles and manuscripts covering past bar activities.

Vacancies: 6

Yearly commitment: 4 meetings

Human Rights

Study and report on proposed changes in the law relating to civil rights.

Vacancies: 5

Yearly commitment: 8 meetings

Juvenile Justice

Study and report on the administration of juvenile justice for delinquent, dependent and wayward children.

Vacancies: 6

Yearly commitment: 6 meetings

*Judicial Council Advisory**Committee on Legal Forms*

Draft official California court forms required by legislation or court rule and some committee generated forms.

Vacancies: 3

Yearly Commitment: 6 meetings

Maintenance of Professional Competence

Implement a voluntary program of continuing education of lawyers; propose rules about accreditation of such program; inform bar members of the program and report to the Board of Governors on the evaluation of such program.

Vacancies: 3

Yearly commitment: 4 meetings

Professional Responsibility and Conduct

Issue advisory opinions on questions involving professional ethics submitted by the Board of Governors, local bar associations or individual bar members.

Vacancies: 5

Yearly commitment: 11 meetings

Public Affairs

Study and advise on the most effective communication of state bar programs and policies to bar members and the public.

Vacancies: 6

Yearly commitment: 6 meetings

Rules and Procedures of Court

Work with BAJI and CALJIC committees in drafting new and revised civil instructions; study and make recommendations for changes in the California Rules of Court.

Vacancies: 5

Yearly commitment: 4 meetings

Workers Compensation

Study and make recommendations for change in the law governing workers' compensation.

Vacancies: 4

Yearly commitment: 6 meetings

Corrections

Study and make recommendations for changes in the law concerning prison reform.

Vacancies: 4

Yearly commitment: 6 meetings

Board of Legal Specialization

Administer the pilot program in legal specialization with the assistance of specialty advisory commissions.

Provide policies and guidelines for certification of specialists; develop and maintain programs of testing, and legal education for specialists. Advise Board of Governors on establishment of specialty fields and appointment of advisory commissions.

Vacancies: 4

Yearly commitment: 10 meetings

Criminal Law Advisory Commission

Advise and assist the Board of Legal Specialization in the Administration of the pilot program in criminal law. Pass upon applications for certification as legal specialist, prepare specialist examinations, evaluate and accredit programs of continuing legal education and otherwise administer the program.

Vacancies: 3

Yearly commitment: 8 meetings

Family Law Advisory Commission

Advise and assist the Board of Legal Specialization in the administration of the pilot program in family law.

Pass upon applications for certification as legal specialist, prepare specialist examinations, evaluate and accredit programs of continuing legal education and otherwise administer the program.

Vacancies: 3

Yearly commitment: 10 meetings

Taxation Law Advisory Commission

Advise and assist the Board of Legal Specialization in the administration of the pilot program in taxation law. Pass upon applications for certification as legal specialist, prepare specialist examinations, evaluate and accredit programs of continuing legal education and otherwise administer the program.

Vacancies: 3

Yearly commitment: 8 meetings

*Workers Compensation Law
Advisory Commission*

Advise and assist the Board of Legal Specialization in the administration of the pilot program in workers' compensation law. Pass upon applications for certification as legal specialist, prepare specialist examinations, evaluate and accredit continuing legal education programs and otherwise administer the program.

Vacancies: 3

Yearly commitment: 8 meetings

SECTION EXECUTIVE COMMITTEES

The section executive committee governs the affairs of the section. Most of these committees meet about nine times a year. In addition, the executive committee coordinates the section's standing committees, educational programs and

membership communications. The following listing contains the areas of interest of each section.

Antitrust and Trade Regulation Law

To further the knowledge of section members in antitrust and trade regulation law.

Business Law

Corporations; partnerships and unincorporated business organizations; financial institutions; corporate law departments; debtor/creditor and bankruptcy; uniform commercial codes; education; legislation; consumer financial services; revision of non-profit corporation code; cooperative franchise legislation.

Criminal Law

Criminal law and procedure; general criminal justice; legislation; public interest and education; federal law and procedure.

Estate Planning, Trust and Probate Law

Conservatorship and guardianship; estate planning; legislation; probate; public interest and education; trusts.

Family Law

Custody and visitation; support; education and public interest; legislation; newsletter; property division.

Labor and Employment Law

Equal employment opportunity/affirmative action; employee rights and benefits; employment contracts;

private collective bargaining; program publications; public collective bargaining.

Law Office Management

Law office systems and procedures; financial management; physical plant and equipment; research and development; lawyer relationships; client trust-fund administration; local bar law office management speakers bureau; law office economic surveys; lawyer competence.

Legal Services

Consumer advocacy; criminal defendants; group and prepaid legal services; lawyer referral services; legal problems of aging; legal services for persons with special needs; legal services for the poor; legal services for prisoners; public interest law; legal rights of the handicapped.

Patent, Trademark and Copyright

Copyright; education; patents; public interest; ethics; trademark.

Public Law

Administrative law; government contracts; government tort liability; land use and condemnation; political law; working conditions and compensation of publicly employed attorneys.

Real Property Law

Condominiums and cooperative housing; construction; development and mechanics liens; landlord-tenant and

housing; mobilehome law; real property finance; commercial and industrial development; zoning; land use and environmental regulations.

Taxation

Income tax; death and gift tax; property, sales and local tax; education; public interest.

ATTACHMENT H

Several new pamphlets will be issued during 1982. They will deal with substantive law topics, including arrest, child custody, immigration law and elderly rights.

State bar-produced radio public service announcements advertise free pamphlets and give legal tips to consumers about their rights and responsibilities under the law. Recorded by professional "voices" and broadcast regularly by more than 50 California radio stations, these 30-second PSAs will generate \$250,000 in free air time for California lawyers this year alone.

In 1982, pamphlets also are being promoted by news releases and law quizzes distributed to general-circulation newspapers, posters in public libraries and social security offices and advertisements in legal publications. Single copies of each pamphlet are provided free to consumers; multiple copies are sold at cost to lawyers, law firms, local bar associations and various institutions and groups.

IMPROVING THE ADMINISTRATION OF JUSTICE

**Assistance to legislators*

Each year, the state bar assists the legislature by reviewing hundreds of bills and making recommendations to both houses on the merits of many. The bar has sponsored a lengthy list of legislation including:

- A continuous streamlining and updating of small claims court procedures.
- Simplification of probate procedures such as broadening the scope of independent administration of estates, reduction of court involvement, and reform of inheritance tax law.
- The civil arbitration law.
- The attorney-client arbitration law.
- The "long arm" statute.
- Revision of the General Corporation Code and the Nonprofit Corporation Code.
- Creation of the Judicial Performance Commission.
- The Civil Discovery Act.
- Bail reform measures. In fact, the bar has led the bail reform movement since its beginning.

Legislative positions adopted by the bar follow a lengthy process of research and evaluation by state bar sections and committees, usually originated by an inquiry from an individual member of the bar, a legislator, a government agency, or the bar's Conference of Delegates or Board or Governors.

The bar's 11 sections and 22 standing committees work year-round to study and propose improvements in

the law. Last year, more than 500 members of standing committees and sections volunteered more than 34,000 hours to review, research and draft legislative proposals.

At the annual meeting of the bar's Conference of Delegates, 500 representatives of California local bar associations consider more than 100 resolutions – most of which would require legislation to be implemented. Resolutions adopted by the conference are referred for study, recommendation and report to an appropriate state bar section or committee. The Board of Governors and the conference Executive Committee review these reports and place high-priority legislative proposals either on the state bar's legislative program or the conference legislative program.

Bills sponsored by other groups or individual legislators and dealing with the administration of justice, the delivery of legal services, the legal profession or the state bar are monitored closely by the bar's legislative advocate in Sacramento. Bills that would have a significant effect in those areas are referred for study to an appropriate state bar section or committee. In 1981, bar sections and committees reviewed 2,520 bills and amendments and issued reports on approximately 500 of them. On behalf of the state bar, the Board of Governors may support or oppose those bills that impact the legal profession or the practice of law generally, while individual committees and sections are permitted to support or oppose on their own behalf only bills that impact their own areas of expertise.

**Assistance to governor*

Under an informal relationship, the bar - on request - provides evaluations and advice to the governor. The requests are directed to an appropriate state bar section or committee for study and in many cases result in a joint effort by the bar and the governor to reform state law. For the past two years, the governor's office has worked closely on a variety of legislative matters with the bar's Family Law and Estate Planning, Trust and Probate sections.

**Assistance to Judicial Council*

By law, the state bar appoints four representatives to the state Judicial Council, and the bar's Board of Governors comments on proposed changes in the California Rules of Court and other proposals being considered by the council. Among major items the board has considered are proposals to:

ATTACHMENT I

Seal DEPARTMENT OF SECTIONS AND COMMITTEES
THE 555 FRANKLIN STREET
STATE BAR SAN FRANCISCO, CALIFORNIA 94102
OF CALIFORNIA TELEPHONE (415) 561-8200

DATE: January 20, 1983

TO: Ad Hoc Committee re Committees and Sections

FROM: Russell B. Longaway, Staff Attorney

SUBJECT: Material for Meeting of January 25, 1983

As requested at the last meeting, you will find the enclosed financial material relating to committees and sections within the Department of Sections and Committees. Such material to be reviewed at the January 25, 1983, meeting.

Included are the various program plans of the committees and sections for 1983. Also, enclosed is a cover chart which breaks out the cost of the department and each component committee.

Mr. Emley requested a comparison between the enclosed information which covers 1983 and 1982 actual experience. The following covers the differences:

| A. <u>Meetings</u> | <u>1982</u> | <u>1983 (Proposed)</u> |
|--------------------|-------------|------------------------|
| Adoptions | 5 | 6 |
| Appellate Courts | 5 | 6 |
| Courts | 2 | 4 |
| Rules of Court | 2 | 4 |
| Workers Comp | 4 | 6 |
| Antitrust | 1 | 2 |
| Business Law | 11 | 12 |
| Criminal Law | 11 | 10 |
| Labor Law | 7 | 9 |
| Patent | 4 | 3 |

B. *Staff Time and Overhead* - These figures are substantially the same for the two years.

Total overhead for the department is calculated at \$181,299. This figure represents \$113,933 in salaries covering the officer manager, her secretary. The remaining \$67,366 includes: temporary help, training, stationary, postage, telephones, subscriptions, repair equipment, copier, depreciation, printing and services. Overhead is attributed to committees

and sections in proportion to meeting activity and personnel use.

- C. *Staff Travel* - Staff travel is \$15,980. It is not included in the chart.

The above is not surprising in light of the fact that the department was directed to rollover the 1982 level of activity into the 1983 program plan and budget. The remaining issue is to implement the reduction in travel ordered by the Board. Column one shows an aggregate travel request of \$74,843. The Board reduced this figure by \$20,432 leaving \$54,411. Of the \$20,432 reduction, \$10,830 was projected growth in travel based on the program plans. Almost all of the rest comes from the difference between the 1982 travel budget (\$64,013) and 1982 estimated year-end actual (\$56,493). Therefore, even with the reduction in travel ordered by the Board, there should be sufficient funds for committees to operate at 1982 levels.

Seal DEPARTMENT OF SECTIONS AND COMMITTEES
THE 555 FRANKLIN STREET
STATE BAR SAN FRANCISCO, CALIFORNIA 94102
OF CALIFORNIA TELEPHONE (415) 561-8200

January 24, 1983

Travel funds available for 1983 = \$54,411
Requests for travel funds in 1983 proposed
budget = \$74,843
(A reduction of \$20,432) as follows:

| <u>Committee</u> | <u>Travel Request</u> | <u>Recommended Travel</u> |
|------------------|---------------------------|-------------------------------|
| CAJ | \$ 5,979 | \$ 5,979 |
| Adoptions | 5,728 | 4,100 |
| Appellate Courts | 5,640 | 5,000 |
| CMA | 2,287 | 1,500 |
| Condemnation | 3,548 | 3,548 |
| Corrections | 10,750 | 5,000 |
| Courts | 3,760 | 3,760 |
| Environment | 7,740 | 5,000 |
| Fed Courts | 5,640 | 3,800 |
| History of Law | 5,640 | 4,000 |
| Juv. Justice | 11,780 | 6,150 |
| Rules of Court | 1,660 | 500 |
| Worker's Comp | 4,691 | 3,500 |
| Total | <u>\$74,843</u> | <u>\$51,837</u> |

RBL/dc

Seal DEPARTMENT OF SECTIONS AND COMMITTEES
THE 555 FRANKLIN STREET
STATE BAR SAN FRANCISCO, CALIFORNIA 94102
OF CALIFORNIA TELEPHONE (415) 561-8220

November 8, 1982

TO: Board Committee on Legislation
Board Committee on Public Affairs &
Communications

FROM: Russell B. Longaway

SUBJ: 1983 General Fund Resource Requests from
the Committees and Sections

Attached you will find the narrative statements of the
1983 program plans for the committees and sections.

These were prepared pursuant to the Committee Evaluation Procedure adopted by the Board in May, 1982, to be used in conjunction with the State Bar budget process. The first two pages summarize the requests for meeting travel funds and staff in table form. Certain committees have requested additional resources for extraordinary projects, e.g., Commission on Corrections prison tours. All such requests have been included in the appropriate committee budget line item.

All committee and section requests have been included in the 1983 budget as proposed and the proposed 1983 budget of Sections and Committees closely approximates the 1982 budget.

The following comments relate to the proposed program plans:

Alcohol Abuse – The alcohol abuse program is requesting \$86,929; its budget for 1982 is \$45,194. The increase is based upon the addition of one consultant and funds to implement the rest of its charter.

The chair will make a presentation on the work of the program to the full Board on November 19.

Continuing Education of the Bar – The CEB program plan is included as agenda 403.

Federal Courts – There is no program plan other than that reflected on the enclosed table, i.e., 6 meetings and staff time. The committee expects no change in function for 1983.

History of Law in California – The committee will meet according to its normal schedule (4 times). Other projects

include oral histories. It is not possible to predict at this time if this program will incur any extraordinary cost.

Rules and Procedures of Court – This committee reviews amendments to the Rules of Court and works with the BAJI committee of the Los Angeles Superior Court. All members are in Los Angeles and the BAJI Committee sends to all members relevant materials. The chair is new and does not project a change in activities for 1983.

COMMITTEE SECTION RESOURCE REQUESTS FOR 1983

| Committee/ Section | Meetings | Staff Hours | | Secre- tarial |
|-----------------------|----------|-------------|---------------------|------------------|
| | | Legal | Adminis- trative | |
| CAJ | 22 | 1602 | 0 | 1602 |
| Adoptions | 6 | 283 | 0 | 283 |
| AlcAbuse | 7 | 503 | 0 | 189 |
| AppCourts | 6 | 539 | 0 | 283 |
| Confer w/CMA | 4 | 50 | 50 | 15 |
| Condmation | 4 | 266 | 0 | 283 |
| CEB Adv | n/a | 0 | 10 | 0 |
| CEB Gov | n/a | 0 | 10 | 0 |
| Corrections | 6 | 396 | 0 | 198 |
| Courts | 4 | 50 | 0 | 15 |
| Environment | 6 | 634 | 0 | 283 |
| FairTrial | 2* | | | |
| FedCourts | 6 | 283 | 0 | 283 |
| HistofLaw | 4 | 0 | 30 | 15 |
| HumanRts | n/a | | | |
| JuvJust | 6 | 603 | 0 | 254 |
| PubAffairs | 6* | | | |
| Rls of Ct | 4 | 10 | 0 | 10 |
| Work Comp | 6 | 114 | 0 | 150 |
| SubTotal | | | | |
| Committee | 99 | 5333 | 100 | 3863 |
| | | *Comm | | |
| | | Dept. | | |
| | | budget | | |

| | | | |
|-------------|------|------|-------|
| Antitrust | 0 | 339 | 339 |
| Business | 0 | 848 | 829 |
| Criminal | 905 | 584 | 735 |
| Probate | 434 | 641 | 1112 |
| Family | 434 | 735 | 981 |
| Labor | 0 | 697 | 716 |
| Law Ofc Mgt | n/a | | |
| Legal Serv | n/a | | |
| Patent | 57 | 339 | 377 |
| Public | 560 | 584 | 660 |
| Real Prop | 771 | 641 | 1018 |
| Taxation | 310 | 584 | 660 |
| Sub Total | | | |
| Sections | 3471 | 5992 | 7427 |
| Total | 8804 | 6092 | 11290 |

THE STATE BAR OF CALIFORNIA

San Francisco

INTER-OFFICE COMMUNICATION

DATE: October 21, 1982

TO: Russell B. Longaway

FROM: Monroe Baer /s/ MB

SUBJECT: CAJ 1982-83 Plan of Operations

Attached is the Committee on Administration of Justice Plan of Operations for 1982-83 which was prepared by its chair, Patrick J. Hoolihan.

You will note that Mr. Hoolihan did not date the report. However, it was mailed to us on October 14, 1982.

Seal

THE COMMITTEE ON ADMINISTRATION

OF JUSTICE OF THE

STATE BAR OF CALIFORNIA 555 FRANKLIN STREET

SAN FRANCISCO, CALIFORNIA 94102

TELEPHONE (415) 561-8220

COMMITTEE ON THE ADMINISTRATION OF JUSTICE PLAN OF OPERATIONS 1982-83

The Committee on the administration of Justice submits the following Plan of Operation for the year 1982-83:

1. ITEMS TO BE HANDLED.

a) There are approximately 10 items carried over from last year, including major projects such as a report and recommendations regarding the discovery process and recommendations regarding the study of the use of cameras in the courtrooms. Each of the items carried over will require substantial study, conferences, reports, and consideration by the committee as a whole.

b) New matters referred by the Board of Governors or Board Committee on Legislation will number approximately 50 based on prior years. Each of these will require substantial study and analysis and recommendations.

c) There are usually 2 to 3 referrals from the Law Revision Commission, some of which require substantial study, such as the class action legislation, comprehensive statute on enforcement of judgments, and similar matters reviewed by the committee in past years.

d) Resolutions that had been presented to the Conference of Delegates in 1982 but have been revised or need re-drafting will be referred to the committee. The CAJ reviewed and made recommendations as to approximately 50 of these resolutions in 1982 and we would anticipate 10 or more would need review of amendments or redrafting.

e) As in past years, it is anticipated that there will be 45 to 50 resolutions referred to the committee for recommendations from the Conference of Delegates for the 1983 convention.

f) Beginning at the commencement of the legislative session, bills of others will be referred to the committee. In past years, there have been 300 or more referred to the committee. It is further anticipated that this committee will exert more time and effort on the Priority II bills, those to be followed directly by the committee. It is felt that there was not sufficient emphasis on these matters in previous years and, even though these may not be of primary importance to the entire Bar, they are bills which may have a significant impact on civil procedure and evidence.

2. METHODS.

The methods to be utilized by the committee during the ensuing year will be similar to previous years. In summary, this will include the following:

a) The committee is divided into 2 sections, of approximately 15 to 16 members each. Major items will be assigned to each section for full study, consideration,

and recommendation. Some items that require a very short response time, such as conference resolutions and most bills of others, will be assigned to one section for primary responsibility and the other section will monitor and review the work of the committee with the primary responsibility. Both sections will take up those items on which there is not a consensus.

b) As in past years, there will be approximately 22 meetings for each section from September to June. In the event that it is necessary, one or more meetings may be held in the summer. These are generally 2-hour meetings every other week.

c) There are a minimum of 2 general meetings, one in December, and one in June. This is necessary to reach a consensus on matters where the sections independently have not agreed, as well as for consideration of items that we have not had sufficient time to handle at one or the other section. It is anticipated that it may be necessary to have a third general meeting sometime in the Spring if the action on conference resolutions or other special items might so require.

d) The committee will have a representative at most BCL and Board of Governor meetings inasmuch as the committee usually has items on each agenda of the BCL. These meetings are usually attended by the Chair, Vice-Chair, or a member with special knowledge or expertise in the item considered.

e) Proper follow-up of Priority II bills of others will require attendance and witnesses at Legislative Committee meetings and such other meetings as may be recommended by the legislative representative of the State

Bar. Such meetings are usually in Sacramento, but may be held in Los Angeles, San Francisco, or elsewhere. The legislative representative has urged greater participation in these meetings to maximize the effectiveness and communication of opinions to the legislature. We expect to give much more substantial emphasis to the Priority II bills of others in providing witnesses, materials, and following up on the status of such bills.

f) In some instances, a representative of the committee will meet with local Bar groups on a specific item of common interest.

3. STATE BAR ATTORNEY STAFF SUPPORT.

State Bar attorney staff support is absolutely essential for the continuing effectiveness of the committee. Not only in the preparation and dissemination of the agenda and materials to the members, but also in the maintaining of minutes and records of the committee must staff support be relied on almost exclusively. The staff attorney attends all of the meetings and keeps the minutes. Without complete and accurate minutes prepared almost immediately after each meeting, the opposite section of the committee would not be able to review the considerations and conclusions of the other section and it would become virtually impossible to work out a consensus or isolate problems and issues upon which no consensus could be reached. In addition, by attendance at each meeting, the staff attorney is able to provide input at each meeting as to the considerations and issues on a particular item that cannot be fully delineated in the minutes. The staff attorney will also attend many of the BCL

meetings, when possible, to provide further input to the Chair and Vice-chair and the committee so that the committee's action is consistent with what has been requested.

Several hundred "bills of others" are referred to the CAJ each year. The staff attorney must also determine from the legislative bill service received by the State Bar that these are not other bills which the CAJ should review or are related to bills or other projects of the CAJ.

In all of these functions of the Staff Attorney there is the need for considerable judgment and discretion which could be not exercised properly by a non-lawyer.

4. MEMBERSHIP AND SECTIONS.

The committee membership has regularly been approximately 30 to 32 with one-half in the North and one-half in the South. Particular effort has been made to obtain a wider representation of all segments of the Bar on the committee. In some instances, particularly as to geographical areas, this has been difficult because of the time and expense of travel.

Members of each section will correspond or discuss by telephone with the member from the opposite section on items that they are both handling. Such communication, although an expense to the individual members, substantially reduces the need for further joint meetings of both sections of the committee.

The size of the committee at the present time is an optimum number if there is full participation. The practice in the past, and certainly the proposed practice in the

future, is to retain only those members who are willing and able to give the extraordinary commitment of 22 to 25 meetings per year along with the concomitant review of the materials and independent research and analysis on items assigned to each member.

5. EXTRAORDINARY EXPENSES.

Surveys, questionnaires, and similar matters may sometimes be indicated by the nature of the item to be considered. Some of this may be handled by the State Bar staff and staff attorney, but any extensive survey, collating of material, preparation and sending of questionnaires, would necessarily require outside help. An example of such an item is the study of cameras in courtrooms. Not only would expert help be required with regard to the preparation of a questionnaire, dissemination, and collating of replies, but also the statistical value of the survey itself would require expert assistance. Such matters are not done on a regular basis by the committee, but would be special items only when required by assignment such as review of the experience with cameras in the courtroom.

6. BUDGET ITEMS.

Budget items considered separately, include the following:

- a) Travel;
- b) State Bar staff;
- c) Special expense items;
- d) Printing, duplication, postage expenses.

MEMO

DATE: November 4, 1982
 TO: Russell B. Longaway
 FROM: Jerome Fishkin
 RE: Committee Budgets and Work Programs
 1983 Estimates

| <u>ASSIGNED GROUP</u> | <u>Staff Attorney Hours</u> | <u>Money</u> |
|----------------------------------------------------------------------------------------------------------|-------------------------------------|--------------|
| <u>Appellate Courts Committee</u> | | |
| 1. Standard Items | | |
| 20 bills of others | | |
| (Staff: 18 at 2 hours per) | | |
| 2 at 10 hours per) | 56 | |
| 50 rules of court | | |
| (Staff: 40 at 2 hours | | |
| 10 at 10 hours | 180 | |
| 2 Conference Resolutions | | |
| Staff: 2 at 2 hours | 4 | |
| 2. Special Items | | |
| a. Rule 15 and Rule 29 Committee Proposals pending at Judicial Council | 10 | |
| b. Constitutional amendment on Supreme Court powers (follow-up to SCA 52) as originated by chief justice | | |
| Office time | 40 | |
| Sacramento trips | | |
| Staff | 10 | |
| Members (2 trips) | | \$300 |

c. Shorter Appellate
Opinions

(Board granted blanket
authority November,
1981.)

| | | |
|-------------|----|-------|
| Office time | 40 | |
| Travel | | |
| Staff | 40 | \$400 |
| Members | | \$250 |

d. Abolition of Divisions

| | | |
|--------|----|-------|
| Staff | 30 | |
| Member | | \$250 |

3. Meetings (3 each in L.A. & S.F.
16 members, 3 of whom are
out of both L.A. & S.F. travel
areas.)

| | | |
|-----------------------------------------|----|--------|
| \$150 per member, 8 in travel status | | \$7200 |
| \$130 per meeting X 6 | | \$780 |
| Staff - 3 in L.A. | 45 | \$450 |
| 3 in S.F. | 24 | \$25 |
| Office prep. & report | 60 | |

Condemnation Committee

1. Standard Items

| | | |
|---------------------------------------------------------------|----|--|
| 15 bills of others (Staff: 10 at 2 hours 5 at 10 hours) | 70 | |
| 5 conference resolutions (Staff at 2 hours) | 10 | |

2. Special Items

a. Early vesting of title
(Board referral, August,
1982)

| | | |
|-------|----|--|
| Staff | 10 | |
|-------|----|--|

b. Amendment to CCP 409,
lis pendens (Tentative
1983 legislative program
of the Board of Governors)

| | | |
|------------------------------|----|-------|
| Office time | 20 | |
| Sacramento travel (staff) | 20 | \$150 |
| (member) | | \$150 |

c. Substantial Impairment
legislation

| | | |
|-------------------|----|--|
| Staff office time | 30 | |
|-------------------|----|--|

d. Market rate interest.

| | | |
|--------------|----|--|
| Staff office | 20 | |
|--------------|----|--|

e. Lis pendens revision study
(time reported under Real
Property Law Section)

3. Meetings. 2 each in S.F. and
L.A. 15 members, 5 of whom
are out of both S.F. or L.A.
travel areas. Each meeting: 5
at \$150, 5 at \$250, 5 at -0-.

| | | |
|--------------------------|----|---------|
| \$2,000 per meeting | | \$8,000 |
| 4 meetings at \$130 | | \$520 |
| Staff - 2 in L.A. | 30 | \$300 |
| 2 in S.F. | 16 | \$15 |
| Office prep. & report | 40 | |

Environment Committee

1. Standard Items

Receives about 140 bills annually
Reports on about 40
(Staff:

| | | |
|---------------|-----|--|
| 100 at 1 hour | | |
| 30 at 2 hours | | |
| 10 at 5 hours | 210 | |

2 conference resolutions
Staff: 2 at 2 hours 4
2. Special Items
 - a. CEQA/EIR Guidelines
(per Board Blanket Authority)
Staff 10
 - b. Substantial Impairment
(Staff time reported at
Condemnation
Committee)
 - c. Tort Liability for Hazardous
Waste. New program
per request of state Hazardous
Waste Management
Council.
Staff time 50
 - d. Water Law. Drafting statutes. Also, program at
State Bar Convention.
Staff office 75
Staff - Sacramento 30 \$225
Staff - Anaheim 15 \$150
 - e. Revision of CCP 1085
Staff 10
 - f. Public Trust Legislation
Staff 50

3. Meeting Schedule

6 meetings - 2 in S.F., 2 in L.A., 2 in Sacramento. The Committee has 17 members and a 90% attendance record. Historically, members do not bill for lunch and, thus, save enough money for one meeting. 4 members in Sacramento, 2 in San Diego, 1 in Santa Barbara.

| | | |
|----------------------------------------------------------------------------------------------------|----|---------|
| 2 San Francisco meetings (10 at \$150; 2 at \$200; \$130 for meeting room; staff at \$20. | 20 | \$4,600 |
| 2 Sacramento meetings (10 at \$150, 2 at \$200, 1 at \$250; staff at \$75; no meeting room change. | 30 | \$4,450 |
| 2 in Los Angeles 10 at \$150; 3 at \$50. Staff at \$150. Meeting room at \$130. | 40 | \$3,260 |
| Staff - office prep. & report | 90 | |

ITEM: Adoptions Committee Meetings and Travel

COST: \$5,728

OBJECTIVE: Permit six meetings in the 1982-83 year

METHODOLOGY: The COST amount would be for six meetings. Most of the Committee members are from southern California (seven - south, four - north, two - central California). Therefore, the amount reflects estimated costs for four meetings

in Los Angeles and two in San Francisco.

For San Francisco meetings, estimated costs would be:

| | | |
|---------------------------------------------------------------|---|-------------------|
| Meeting Room | = | \$115.00 |
| Meals (Ten people) | = | 85.00 |
| Air Travel (Six people, \$140/ person) | = | 840.00 |
| Land Travel (Three people, average 100 mile round trip) | = | 70.00 |
| | | <u>\$1,110.00</u> |

For Los Angeles meetings, estimated costs would be:

| | | |
|--------------------------------------------------------------|---|-----------------|
| Meeting Room | = | \$115.00 |
| Meals (Ten people) | = | 85.00 |
| Air Travel (Four people, \$140/ person) | = | 560.00 |
| Land Travel (Four people, average 100 mile round trip) | = | 92.00 |
| | | <u>\$852.00</u> |

In addition, the Committee would invite two northern California guests to one San Francisco meeting and a southern California guest to two Los Angeles meetings. Cost of transportation and meals for the first two guests would be \$40.00 and costs for the southern California guest would be \$30.00 for each meeting (\$60.00 total).

ITEM: Photocopying and Postage for Committee on Adoptions

COST: \$292.00

OBJECTIVE: Provide materials for the Committee

METHODOLOGY: Items to be copied and mailed are meeting notices, agendas, minutes, reports to legislators, and Board of Governors, work product of Committee members (i.e. drafts of physician's manual) to each other and to members of the public.

Cost of envelopes included in the supply budget of the Department of Sections and Committees. Estimated copying cost is \$100.00 and postage cost is \$192.00.

Materials usually are copied for 18 people, including staff, master files and Board Liaison.

ITEM: SPECIAL PROJECTS of the Committee on Adoptions (Trips to Sacramento; appearance before California Medical Association (CMA) Council)

COST: \$380

OBJECTIVE: To permit Committee members to testify in Sacramento in support of or opposition to bills introduced in the Legislature; to permit a Committee member to appear before the CMA Council.

METHODOLOGY: In 1980 and 1981 the Committee sent members to Sacramento to testify on bills relating to adoption, foster care, and surrogate parenting. An average of four trips were made each year. Projecting that four trips may be made in 1983, an estimated cost of \$350.00 is included for this item.

An estimated cost of \$30.00 is included for a Committee member to appear before the CMA Council to discuss a proposed physician's manual on adoptions.

ITEM: Staff Assistance to Committee on Adoptions

COST: To be revealed to the Board of Governors

OBJECTIVE: Provide staff assistance to Committee

METHODOLOGY: Staff attorney assistance, 15% time; secretary, 15% time

Support provided: Legislative reports on bills of others; drafting or editing of reports to Board of Governors; liaison work with California Medical Association, State Department of Social Services, Board of Governors, private adoption agencies; drafting or editing meeting

minutes; advising Committee of State Bar rules, regulations and procedures; making meeting arrangements; clearinghouse for Committee correspondence.

The staff attorney attends all meetings (unless a conflict causes only partial attendance). Estimated attorney time for this Committee is three days per month.

THE STATE BAR OF CALIFORNIA

San Francisco

INTER-OFFICE COMMUNICATION

DATE: November 8, 1982

TO: Board of Governors

FROM: Russell B. Longaway

SUBJECT: 1983 Program Plan for the Committee on Alcohol Abuse

Attached is the 1983 program plan for the Committee on Alcohol Abuse.

ITEM: Consultants

COST: \$48,000 (2 full-time consultants) plus \$5,000 in expenses for a total of \$53,000.

OBJECTIVE: To establish and maintain a program to assist lawyers and judges suffering from problem drinking.

METHODOLOGY: For the voluntary component of the program to help someone establish a treatment program for themselves. Establish and maintain a network of volunteers to have the capacity for lawyer-helping-lawyer. Establish and maintain a series of closed meetings for lawyers and judges; can be in conjunction with a local bar association.

For the discipline component, the Southern California consultant monitors cases referred from the Supreme Court, State Bar Courts and Bar Examiners. During the history of this relationship, the following number of cases have been referred to the program:

Bar Examiners

10/81 - 09/82 - 24
10/80 - 10/81 - 8
10/79 - 10/80 - 14
10/78 - 10/79 - 8

State Bar Courts

10/81 - 09/82 - 18
1979 - 1981 - 20

(Note: See page on reverse side for continuation.)

PERSONNEL: Two consultants - each of whom spends 40 hours per week on the program.

NOTES: The committee and staff monitor the performance of the consultants to streamline procedures and make the program more efficient and successful.

Continualtion
of Methodology:

The consultants deal directly with the persons calling for assistance. The consultants have the discretion to make a determination, according to the needs and situation of the caller as to whether one-on-one counseling is required, suggesting referral for hospitalization, doctor's examination, referral to other members, etc. The consultants should be permitted to continue assisting the caller if that is required on a discretionary basis.

Offices should be maintained (or available) in the major cities for the consultants and staff provided, as needed, for reporting, compiling of statistical information, and other requirements to permit the consultants to devote their full time and energies to assisting members of the bar and bench, as well as the significant others who have sought assistance.

As a long-term goal, the committee foresees a need for consultants in those counties with a significant lawyer population.

ITEM: Committee Meetings

COST: \$8898

OBJECTIVE: Permit entire committee to meet bi-monthly.

METHODOLOGY: The figure reflects 6 statewide meetings in 1983 that are funded. The cost is determined by a formula (see note below). The cost of the meetings for the committee is \$7218.

In addition, \$1680 is included as the amount necessary to invite two resource persons to each meeting. This procedure was first authorized by the the Board Committee on Public Affairs and Communications in 1982. The policy is that the chair may invite resource persons to meetings, provided there is a budget line item for that purpose.

The cost of meetings is relatively high because of the large size of the committee. It is estimated that the committee will be 21 members next year.

The committee will also review legislation. Last year 8 bills were referred to the committee for study and report. All were reported on.

PERSONNEL: N/A

NOTES: The formula for determining meeting costs is:

$$\frac{x}{2} \cdot (.75) \cdot (\$140 + \$100) = y$$

x = size of committee (1/2 travel)

(.75) = factor for

non-attendance

\$140 = average cost per

member per trip

\$100 = meeting room

y = cost of meeting

ITEM: Other Travel

COST: \$5220

OBJECTIVE: To permit the officers and members to travel to local bar associations to assist in setting up lawyer-judge meeting or attend conferences.

METHODOLOGY: Committee members are in a position to assist in activating local bar associations, establishing lawyer-judge meetings or other committee activities. Travel costs are estimated upon one such trip per month for iether the chair or vice-chair and five such trips by other members. The formula rate of \$140-per-trip average is used (\$2380).

In addition, travel funds for attendance at the 8th statewide conference on alcoholism is included (\$2000).

Finally, there is included \$840 for trips to Sacramento to appear before the legislature. This figure assumes 6 such trips. Last year the committee reported on 8 bills.

PERSONNEL: Committee members.

NOTES: N/A

ITEM: Postage/Photocopy

COST: \$610

OBJECTIVE: Mail documents to the committee.

METHODOLOGY: This figure reflects an estimated cost for mailing documents to the committee. These include: meeting notices, agendas, minutes, reports and miscellaneous correspondence.

The cost breakdown is \$535 for postage and \$75 for printing. The cost of envelopes is included in the supply budget of the Department of Sections and Committees.

PERSONNEL: N/A

NOTES: N/A

ITEM: Staff Assistance

COST: Confidential - to be revealed to the Board of Governors.

OBJECTIVE: Provide requisite staff assistance to the committee and the alcohol abuse program.

METHODOLOGY: Staff attorney, 26% time; and secretary, 10% time.

Duties include: contract negotiations, legislative analysis, review of statutes and regulations in health law area, liaison to committee from State Bar/Board of Governors. In addition, all administrative support elements, e.g., agendas, reports, etc.

Roughly speaking, the staff attorney needs to attend all committee meetings (7 meetings at 9 hours each), research and report on about 8 bills per year (8 bills at 5 hours each) and spend approximately eight hours per week reviewing committee documents, e.g., newsletter, manual, giving advice to program consultants and reviewing statutes and regulations. This works out to approximately 503 hours per year or 26% of the net State Bar work year.

The recent addition of a word processing system enables reduced need for secretarial assistance.

PERSONNEL: Staff attorney, secretary.

NOTES: N/A

ITEM: Training Manual

COST: \$2350

OBJECTIVE: To make available to the program network and others a detailed procedures manual for helping problem drinkers.

METHODOLOGY: This manual contains a wide range of information. It assumes no knowledge on the part of the reader. Therefore, one who is skilled in these matters may find it rudimentary. It is designed so one can take from it what is needed and leave the rest.

The document is dynamic and changes will probably be made during the year.

Cost factors include binders, printing, mailing (\$5 each), 3-ring binders (\$5 each). It is estimated that these will be 100 copies with updates.

PERSONNEL: Norwood Grisham with the assistance of the committee and others.

NOTES: N/A

ITEM: Newsletter

COST: \$641

OBJECTIVE: To create a communications vehicle for those participating in the program. To have an educational medium for local bars and others.

METHODOLOGY: A 2-page newsletter to start with and distribute 8-9 times per year. Bill Lundy of San Francisco has volunteered to be the editor.

The purpose is to be a communication vehicle between the program and interested persons in the legal community and the alcohol treatment industry. Where appropriate, the newsletter will share experiences, exchange ideas on intervention and contain a calendar of events.

The initial distribution will include: the committee, participants in the program, other state and local bars, treatment providers, lawyers' wives and other auxiliary groups, major law firms and judges and county alcoholism administrators. Estimated distribution of 550.

PERSONNEL: Our volunteer editor. State Bar administrative support, including printing and mailing.

NOTES: The cost per newsletter is about 3 cents per page printed and \$20 for envelopes per mailing plus postage. Bulk mail can be used with a unit cost of 4.9 cents resulting in a total estimated postage cost of \$243.

ITEM: Hotline Service.

COST: \$1640

OBJECTIVE: To have a 24-hour crisis line for lawyers and judges suffering from problem drinking.

METHODOLOGY: The northern hotline is at the Dorothy Glass Answering Service in San Francisco. When a call comes in, it is referred to Norwood Grisham, who either handles the call or refers to a person in the network.

There is a yellow-page ad in the San Francisco telephone directory.

The answering service is \$45 per month and the telephone is approximately \$15 per month.

In Southern California, calls have been referred to Jack Sanow. This budget item reflects keeping the Northern California telephone (\$720) and adding a similar telephone in Southern California. Telephone service is more expensive in Los Angeles, so \$920 is the projected cost.

PERSONNEL: N/A

NOTES: N/A

ITEM: Pamphlet on Alcoholism

COST: \$3500 (for 5000 copies)

OBJECTIVE: Create a pamphlet as a preventive education device to assist in early intervention.

METHODOLOGY: The Committee would work through the Department of Communications to create the pamphlet. It would be done in the same manner as all other State Bar pamphlets.

Cost components include; staff, \$1500; typesetting, \$500; printing, \$1000; distribution, \$500.

PERSONNEL: Part-time of Department of Communications.

NOTES: N/A

ITEM: Newspaper Advertisements

COST: \$1140

OBJECTIVE: To place daily ads in *The Recorder of San Francisco* and *The Los Angeles Daily Journal*, communicating the existence of the program.

METHODOLOGY: Place a small-box ad in *The Recorder* of San Francisco and *The Los Angeles Daily Journal*, indicating that confidential help is available for problem drinking. The ad would look substantially as follows:

FREE CONFIDENTIAL
PROFESSIONAL HELP
FOR PROBLEM
DRINKING

CALL: Jack Sanow
(213) --- ----
Norwood Grisham
(415) --- ----

CONSULTANTS
TO STATE BAR
COMMITTEE ON
ALCOHOL ABUSE

The cost for this ad would be approximately \$45 per month for *The Recorder* and \$50 per month for *The Los Angeles Daily Journal*.

Other areas that should be covered, but are not included here, are: Sacramento, San Jose and San Diego. These are not included because I doubt the ability of the program at the present time to respond in those areas.

A long-term goal of the committee is to include this ad in the legal dailies of the major urban areas, including Alameda, Sacramento, San Diego and San Jose.

PERSONNEL: de minimis

NOTES: N/A

ITEM: Research

COST: \$3,000

OBJECTIVE: -Obtain quantitative data on the incidence and prevalence of alcoholism within the profession.

-Hire a consulting firm to develop a way to gather reliable data on the incidence and prevalence of problem drinking in the legal profession (\$1,000).

METHODOLOGY: Project the use of questionnaires either by mail or as an insert in the *California Lawyer*.

It costs approximately \$2,000 per page in the *California Lawyer*. Roughly speaking, to get a valid sample for direct mailing purposes, it would require about 1% of the universe (85000) or 850.

Approximate cost for a direct mail sample would be: questionnaire and cover letter (\$51), envelopes (\$80), labels (\$40) and mailing (\$170 first-class or \$42 bulk mail; also include a postage-paid return envelope, \$170). Total, approximately \$400.

PERSONNEL: N/A

NOTES: N/A

- ITEM: Conferences
COST: \$900
OBJECTIVE: Address the recognition, intervention and treatment of substance abusing lawyers.
METHODOLOGY: Have one or two conferences. Either statewide or same conference in two locations.
 Invite professionals in the field of substance abuse to examine and critique our program. The aim of the conferences will be to educate and inform members of our committee in the alternative intervention and treatment resources available.
PERSONNEL: Staff support/logistics.
NOTES: Could be done at State Bar offices in San Francisco and Los Angeles. Cost figure is an estimate based upon travel expense for 5 people (\$700) and materials (\$200).
-
- ITEM: Annual Meeting Program
COST: \$2300
OBJECTIVE: An educational event for the bar to learn about the State Bar program and problem drinking in general.
METHODOLOGY: This budget paper assumes a continuation of what was done in the past. The 1983 State Bar Annual Meeting will be held in Anaheim where attendance should be good.

- On Sunday, there will be a panel discussion concerning a topical issue. Reserve approximately \$1500 for speaker travel and honorarium.
 Maintain a booth in the exhibitor area. The booth will have a breathalyzer (or similar machine) with a police officer for demonstration. There will be literature available. No cost for police or machine. \$700 for the booth and \$100 for materials.
 It is expected that the speaker honorarium will enable the committee to draw a named speaker who, in turn, will attract a larger attendance at the convention.
- PERSONNEL: Volunteer labor will staff the booth from 9:00 a.m., Saturday, through 6:00 p.m., Monday.
NOTES: Committee members are not reimbursed for Annual Meeting expenses.
-
- ITEM: Speaker Bureau
COST: \$1,330
OBJECTIVE: Make the services of the program known to lawyers and significant others.
METHODOLOGY: Make arrangements to address local bar associations, major law firms, law schools and any other identifiable legal group.

In addition, the consultants will have training sessions for program volunteers using video tapes. Estimated cost for the video-tape sessions is \$630.

PERSONNEL: Committee members.

NOTES: Cost is an estimate that 5 such speeches might occur at 140 per trip = 700.

It costs \$250 per day to rent video-tape equipment for an audience of 50 people. It is estimated that 2 films will be shown to smaller groups (20) at a cost of \$65. One of each session will be held north and south for a total cost of \$630.

ITEM: Public Service Announcements

COST: None

OBJECTIVE: Let the general public know that intervention and treatment of substance abuses within the legal profession is available.

METHODOLOGY: In cooperation with the Department of Communications, work with various television and radio stations to produce such messages.

PERSONNEL: Committee members.

NOTES: N/A

ITEM: Public Hearings

COST: \$2400

OBJECTIVE: Investigate the incidence, causes, prevention, intervention and treatment of substance abuse problems.

METHODOLOGY: Hearings to receive testimony from experts in the various fields relating to substance abuse. The experts would provide data on these problems, particularly as they relate to the legal profession.

The hearings would be investigative in nature and, therefore, would probably be of interest to the press.

The results would be published in the committee newsletter, *California Lawyer*, presented to the Board of Governors.

This would be an adjunct to the committee mandate to do research in the field.

The public hearings would provide a forum for the release of research data previously gathered by the committee.

PERSONNEL: Committee members

NOTES: Could be held in State Bar offices. Limit cost to committee member travel.

Seal

DEPARTMENT OF SECTIONS
AND COMMITTEES

THE 555 FRANKLIN STREET
STATE BAR SAN FRANCISCO, CALIFORNIA 94102
OF CALIFORNIA TELEPHONE (415) 561-8220

September 27, 1982

C. John Tupper, M.D.
California Medical Association
731 Market Street
San Francisco, California 94103

Attention: Bob Hahn

Re: Committee to Confer with the California Medical
Association; 1982-83 Program Plan and Budget.

Dear Dr. Tupper:

It is necessary for me by October 1, 1982, to reduce to a budget the program plan for the committee for next year. This letter is to confirm the activities of the committee as agreed at your July 28, 1982, meeting.

I am sending a copy of this letter to Charles Jarvis of Santa Barbara, who has been appointed Chair by the bar.

At the July 28th meeting, the following activities were recommended for the 1982-83 committee year (October, 1982 - September, 1983):

1. Survey county medical societies to determine what medical-legal programs they offer or are interested in. To be done by the CMA staff.
2. Prepare white papers on the following subjects:
 - authorization to release medical information;
 - right to refuse treatment;
 - rights of parents to withhold treatment for severely deformed infants;

- re-evaluate the removal of life support systems;
- role of the physician re cults.

Legal research to be done by State Bar staff attorney.
CMA staff to assist in other areas.

It is necessary for me to reduce the above program to a budget. I anticipate the above to require at least four meetings of the committee. Research time for State Bar staff on the white papers is expected to be at least 50 hours. If you have any comments, please let me know as soon as practicable.

Very truly yours,

/s/ Russell B. Longaway
Russell B. Longaway
Staff Attorney

RBL:vj

cc: Charles H. Jarvis
Box 1260
Santa Barbara, California 93102

COMMISSION ON CORRECTIONS

ITEM: Commission MeetingsCOST: \$7,950OBJECTIVE: Permit entire Commission to meet six times during the year.

METHODOLOGY: The figure reflects six statewide meetings in 1983. The cost is determined by a formula (see note below). The cost of the meetings for the Commission is \$7,950.

In addition, \$280 is included for each meeting as the amount necessary to invite two ad hoc advisors to each meeting. This procedure was first authorized by the Board Committee on Public Affairs and Communications in 1982. The policy is that the Chair may invite resource persons to meetings, provided that there is a budget line item for that purpose.

The cost of meetings is relatively high because of the geographical distribution of members of the Commission. It is estimated that nine of the Commission members will be in travel status for any given meeting.

NOTE: The formula for determining meeting costs for the Commission on Corrections is:

$$(9 \times .75 \times 140) + 100 = y$$

$$(9 \times .75 \times 140) + 100 = \$1,045$$

9 = number of Commission members who are in travel status

.75 = factor for attendance

140 = average travel cost per member per trip

100 = cost of meeting room

y = base cost of meeting

PERSONNEL: N/A

COMMISSION ON CORRECTIONS

ITEM: Staff Assistance

COST: Confidential

OBJECTIVE: Provide requisite staff assistance to the Commission in its compliance with its responsibilities to the Board of Governors.

METHODOLOGY: Staff attorney, 21% time; and secretary, 10.5% time

Duties include legislative analysis, review of statutes and regulations in corrections area, preparation of reports on bills of others, liaison between Commission and State Bar Board of Governors, liaison between State Bar and corrections organizations and community.

In addition, all staff support with regard to agendas, meeting preparations, special reports, Commission appointments, and responses to inquiries from the public.

Coordination of the prison diet study, liaison and research on prison overcrowding, development of general Commission positions on legislation, and legal services delivery analysis.

PERSONNEL: Staff attorney, secretary.

COMMISSION ON CORRECTIONS

ITEM: Special Projects (Trips to Sacramento and other Legislative or Administrative Hearings)

COST: \$2,800

OBJECTIVE: To permit Commission members to make two prison tours and to testify at legislative or administrative hearings regarding legislation or administrative regulations.

METHODOLOGY: The Commission members have made at least two prison tours during the years since the Commission was first created. This has enabled improved communication between members of the Bar and the Department of Corrections. The figure of \$2,100 would cover the cost of two prison tours.

In the past, members of the Commission have testified at both legislative and administrative hearings throughout the state regarding inmate labor, prison rights and privileges, and prison diet. The Commission expects to continue its participation at these hearings.

The figure of \$700 would cover the cost of five trips to Sacramento at an estimated \$140 cost per trip. The Commission provided testimony on three bills last year and next year is expected to be an extremely busy year for corrections bills.

COMMISSION ON CORRECTIONS

ITEM: Photocopy

COST: \$176.06

OBJECTIVE: To provide the requisite photocopying for the functioning of the Commission on Corrections.

METHODOLOGY: #Pages x .022¢/page x
#Copies = Cost

Agenda, Notice
and Minutes (10 x .022 x 19) x 6 meetings = \$ 25.08

Mailings:

Regulations 120 x .022 x 19 = 50.16

Special Reports 60 x .022 x 6 = 7.92

Correspondence 137 x .022 x 6 = 18.08

Miscellaneous

Mailings 179 x .022 x 19 = 74.82

Total \$176.06

COMMISSION ON CORRECTIONS

ITEM: Postage

COST: \$238.80

OBJECTIVE: To provide necessary assistance in communications

METHODOLOGY: Estimating approximately four mailings a month at different weights in addition to distribution of bills reports.

#Mailings x Cost per item x
#Copies x 12 months = Cost

2 x .30 x 19 x 12 = \$136.00

2 x .20 x 19 x 12 = 91.20

12 x .30 x 3 = 10.80
\$238.80

Seal

DEPARTMENT OF SECTIONS
AND COMMITTEES

THE 555 FRANKLIN STREET
STATE BAR SAN FRANCISCO, CALIFORNIA 94102
OF CALIFORNIA TELEPHONE (415) 561-8220

September 28, 1982

Joseph H. Cummins, Chair
888 West Sixth Street
Los Angeles, CA 90017

Re: 1982-83 Courts Committee Program Plan

Dear Joe:

Since Dave Heilbron will be unavailable, I have to rely on you to prepare the program plan and budget request for the committee for the next year.

The first step in the analysis is the overall objective of the committee. Based upon the experience of last year, I do not believe the committee is in a position to generate legislative court reform proposals. There is no concensus.

The committee is in a position to provide a cross-section opinion on bills of others.

The Judge Watt backlog reduction program is self-sustaining. Judge Watt finds committee support valuable but does not appear to require the active assistance of the committee.

There has not yet been a thorough examination by the committee of possible reforms in the ciminal law area. A new prosecutor from San Diego has just been appointed. He may be the catalyst for that type of review.

The above leads me to the following conclusions regarding the 1982-83 committee year:

1. The committee should meet 4 to 5 times this committee year.
2. The committee should provide comment on *significant* court reform bills of others. Since they will all be introduced by late February, the committee should plan meetings in late February and - if there is sufficient reason - in late March to timely comment on such bills.
3. The committee should re-affirm support of the May, 1981, report re backlog reduction and provide Judge Watt whatever assistance he may require.
4. There should be 2 meetings devoted to a review of the court system, an identification of problems and recommended solutions for the Board of Governors to implement.

The above plan contemplates four meetings and no travel to Sacramento on legislative matters.

Please let me know if you object to this plan or have modifications. If there are no objections, I will prepare the committee budget to reflect the above.

Very truly yours,

/s/ Russell
Russell B. Longway
Staff Attorney

RBL:vj
cc: David M. Heilbron

J. HART CLINTON
1080 South Amphlett Boulevard
Post Office Box 5400
San Mateo, California 94402
(415) 348-4356

September 17, 1982

State Bar Ad Hoc Committee Re Sections and Committees
State Bar of California
555 Franklin Street
San Francisco, California 94102

Attention: Russell B. Longaway, Staff Attorney

Reference: Budget of State Bar Committee on Fair Trial
and Free Press for 1982-83 Calendar Year

Dear Sirs:

By memorandum dated August 31, 1982 to the Chairs and Vice-Chairs of State Bar Standing Committees submitted by Russell B. Longaway, Staff Attorney, and at the meeting designated in that memorandum held in Sacramento on Saturday, September 11, 1982, it was requested that all

committee chairmen submit a budget for their committee no later than October 1, 1982.

In response to this request, and as Chairman of the State Bar Committee on Fair Trial and Free Press, I wish to advise as follows:

The committee will have no more than two meetings during the calendar year 1982-83. One of these meetings will be participation in the Statewide Bench-Bar-Media Committee meeting usually held in the spring of the year and which will probably be held in April of 1983. The other meeting will be a meeting of the committee at the State Bar convention.

Attached is a letter dated July 1, 1982 to Ms. Mary A. Tan Yen, Staff Attorney of the State Bar of California, in which I made my recommendations for the composition of the committee for the ensuing year. At Sacramento during the State Bar convention I was advised by Board liaison member Marta Macias that my recommendations to Mary A. Tan Yen were submitted to the Board of Governors and approved.

The only expenses of the committee in connection with its work in 1982-83 will be travel time for those attending the Statewide Bench-Bar-Media Committee meeting and the rental cost of a hotel room at the San Francisco Airport. I would refer the State Bar staff to its records of compensation for committee members during prior years for an estimate of the amount to be paid for travel time. The cost of the hotel room at the San Francisco Airport for the Statewide Bench-Bar-Media meeting which was held in April of 1982 was paid by the San Mateo Times, of which your Chairman is Editor and Publisher, and it

amounted to \$505.14. However, I would expect that in the future it will be paid by the State Bar of California.

The amount of staff time required in servicing the committee is minimal and consists principally in mailing a notice and a proposed agenda to committee members and attending the Statewide Bench-Bar-Media meeting held in the spring, as well as attending the committee meeting at the State Bar convention. I have no record myself of the amount of staff time involved and the staff can make the best estimate of the amount of time they devote to this work, but according to my observation it is minimal.

Attached to this report also is a Summary of Activities of the State Bar Committee on Fair Trial and Free Press for the Year Ended June 30, 1982, which sets forth in summary form the activities of the committee during the past year and the general purposes of the committee's work.

I note that in the evaluation procedure adopted on May 1, 1982 by the Board, it was suggested in Item 3 that at the end of the committee year a report be submitted to the Board on how close to expectation the committee performed. That report will be submitted at the conclusion of the committee year.

Our committee works closely with Ms. Paulette Eaneman and Ms. Esther Mamet, Staff personnel of the State Bar of California. No volunteers are needed and the members of the committee are quite qualified to perform the committee work which, as you will note in the Summary of Activities, consist principally of developing and maintaining a dialog with the media, both print and electronic, and also monitoring the work of the County Bench-Bar-Media Committees throughout the State of California.

If there are any additional questions regarding the scope of the committee's work or the costs involved in performing its work, please advise.

Respectfully submitted,

/s/ J. Hart Clinton lh
J. Hart Clinton
Chairman
State Bar Committee on Fair Trial and Free Press

JHC:lh
Enclosures

J. HART CLINTON
1080 SOUTH AMPHLETT BOULEVARD
POST OFFICE BOX 5400
SAN MATEO, CALIFORNIA 94402
(415) 348-4356

July 1, 1982

Ms. Mary A. Tan Yen
Staff Attorney
State Bar of California
555 Franklin Street
San Francisco, California 94102-4498

Dear Ms. Yen:

Esther L. Mamet, Manager, Administrative Services, wrote to me on June 22, 1982 at the request of Paulette Eaneman, submitting a list of committee members of the Committee on Fair Trial and Free Press. I have been asked to give my recommendations on reappointments to you.

Confirming my telephone conversation of even date, may I first call to your attention that two of the persons named

on Esther Mamet's list are no longer members of the committee, namely, Ronald E. Blubaugh and Howard J. Klein. They were appointed by the Board of Governors in February 1982 on the mistaken assumption that they were previously members for the Special Committee to Confer with the Media. Therefore please delete Ronald E. Blubaugh as well as Howard Klein from the list.

I would ask that the remaining members be reappointed, namely:

Myself as Chairman;
Past President John H. Finger;
Past President A. Stevens Halsted, Jr.;
Ronald W. Hutcherson;
Robert A. Mackey;
Jessica Perrin Silvers;
Harry B. Sondheim;
Past President John A. Sutro; and
Ronald G. Wrinkle.

In addition, I would recommend the following appointments to take the place of Ronald E. Blubaugh and Howard J. Klein:

1. *Douglas T. Foster, Esq.* of the law firm of Diepenbrock, Wulff, Plant & Hannegan, 455 Capital Mall, Suite 800, Sacramento, California 95814.

A resume of Douglas Foster and my reasons for suggesting his appointment are set forth in a separate attachment.

2. *Honorable Melvin E. Cohn*, Judge of the Superior Court, Hall of Justice & Records, 401 Marshall Street, Redwood City, California 94063.

Likewise, a resume and summary of the reasons why I recommend Judge Cohn is included as a separate attachment.

I have not discussed the possibility of appointment with either Mr. Foster or Judge Cohn as I thought it would be unwise to do so before the Board considered the matter.

If you need any further information, please let me know.

Respectfully yours,

J. Hart Clinton
Chairman

State Bar Committee on Fair Trial and Free Press

JHC:lh
Enclosures

cc: Samuel L. Williams, Esq.
Mary G. Wailes
Paulette Eaneman

RESUME OF DOUGLAS T. FOSTER
AND REASONS FOR RECOMMENDING
HIS APPOINTMENT TO THE STATE BAR COMMITTEE
ON FAIR TRIAL AND FREE PRESS

Douglas Foster is a member of the law firm of Diepenbrock, Wulff, Plant & Hannegan, 455 Capital Mall, Sacramento, California 95814.

For many years he has been doing legal work for the Sacramento Bee and has been involved in many fair trial-free press matters. He is interested in this type of work and I believe would make a real contribution to the work of the committee.

He recently was involved in the petition of the Sacramento Bee for certiorari to reverse a decision of the Court

of Appeals of the 9th Circuit involving the ejection of a Sacramento Bee reporter from the Sacramento District Court during a pretrial hearing.

I have known Mr. Foster for many years and consider him an excellent attorney. He is also, as you will see, a partner of Past President Forrest Plant.

Respectfully submitted,
/s/ J. Hart Clinton
J. Hart Clinton
Chairman
State Bar Committee on Fair
Trial and Free Press

RESUME OF JUDGE MELVIN E. COHN
AND REASONS FOR RECOMMENDING
HIS APPOINTMENT TO THE STATE BAR COMMITTEE
ON FAIR TRIAL AND FREE PRESS

Judge Melvin E. Cohn is a highly respected Superior Court judge in San Mateo County, whose address is Hall of Justice & Records, 401 Marshall Street, Redwood City, California 94063.

Prior to his appointment to the bench, he was City Attorney for the City of San Carlos.

He has been Co-Chairman of the San Mateo County Bench/Bar/Media Committee for several years and has contributed greatly to a better understanding of the need for reconciling differences between fair trial and free press, and the necessity for lawyers, judges and the

media to understand the constitutional right to a fair trial as well as the media's constitutional right to a free press.

I believe that with Judge Cohn's background he would make an excellent contribution to the work of the committee.

Respectfully submitted,
/s/ J. Hart Clinton
J. Hart Clinton
Chairman
State Bar Committee on Fair
Trial and Free Press

J. HART CLINTON
1080 SOUTH AMPHLETT BOULEVARD
POST OFFICE BOX 5400
SAN MATEO, CALIFORNIA 94402
(415) 348-4356

July 15, 1982

Board of Governors
State Bar of California
555 Franklin Street
San Francisco, California 94102-4498

Re: Summary of Activities of the State Bar Committee
on Fair Trial and Free Press For the Year Ended
June 30, 1982.

Dear Sirs:

In accordance with the request of William B. Eades that the Chair of the State Bar Committee on Fair Trial and Free Press submit a summary of activities for the past year (fiscal year ending June 30, 1982), I am pleased to

enclose herewith a summary of such activities as requested.

Respectfully yours,

/s/ J. Hart Clinton
J. Hart Clinton
Chairman
State Bar Committee on Fair
Trial and Free Press

JHC:lh
Enclosure

SUMMARY OF ACTIVITIES OF THE
STATE BAR COMMITTEE ON FAIR TRIAL AND
FREE PRESS FOR THE YEAR ENDED JUNE 30, 1982

The Committee was originally established as a Special Committee to Confer with the Media in 1968, at a time when there was much concern on the part of the media with respect to the recommendation of the American Bar Association that trial judges should include among remedies for ensuring a fair trial, the issuance of protective orders which would prohibit court personnel, witnesses, jurors and attorneys from discussing the trial proceedings with the press. Such protective orders are called "gag orders" by the media. The American Bar Association report was issued on the recommendation of a special committee headed by Justice Paul Reardon of the Supreme Judicial Court of Massachusetts and is known as the "Reardon Report".

The action of the American Bar Association followed the reversal of the conviction of Dr. Sam Sheppard in the

case of *Sheppard v. Maxwell* (384 U.S. 333, decided June 6, 1966). Dr. Sheppard's conviction was overturned by the U.S. Supreme Court because of massive pretrial prejudicial publicity on the part of the Cleveland press. When retried, Dr. Sheppard was acquitted.

When the Reardon Report was issued I expressed concern to the incumbent State Bar President John Finger that if the Board of Governors of the State Bar of California adopted the Reardon Report that it was bound to develop hostility between the bench, bar and media with respect to First Amendment rights to a free press and Sixth Amendment rights to a fair trial. Mr. Finger responded by appointing the Special Committee to Confer with the Media with myself as Chairman.

Shortly thereafter, our Special Committee went to work with the various media organizations, the California Association of Judges, and representatives of the State Judicial Council, and developed a document entitled "Joint Declaration Regarding News Coverage of Criminal Proceedings in California", copy of which is attached. The Statement of Principles was endorsed February 15, 1970 by the Board of Governors of the State Bar, the various media committees participating in the development of the Joint Declaration, the Executive Board of the Conference of California Judges, and was given favorable recognition by the Judicial Council at its May 1970 meeting.

Thereafter the Special Committee met twice a year with representatives of the various organizations which participated in developing the Joint Declaration for the

purpose of discussing and, where possible, resolving differences between the media and the bar respecting fair trial/free press. One of these meetings was an Executive Committee meeting with a smaller number in attendance, and the second meeting was a full meeting of all representatives of the various organizations participating in the development of the Joint Declaration, including the chairs of various county bench/bar/media committees which have been organized with the encouragement and help of your chairman.

As a result of these meetings of the Special Committee to Confer with the Media and the other participants named above, and as a result also of the county committees which were developed and monitored by the State Bar Committee, the conflict between the bench, bar and media regarding fair trial and free press was greatly diminished, the number of gag orders was greatly reduced, and claims of prejudicial publicity by the bar and by the judiciary were substantially reduced.

Your Chairman was Chair of the Special Committee throughout the entire period from 1968 until the termination of the committee by the Board of Governors at its September 1981 meeting, except for one brief interlude when former State Bar President John Sutro chaired the committee.

At its September 1981 meeting, the Board terminated the Special Committee to Confer with the Media pursuant to a policy of reducing the number of special committees where it was not apparent to the board that such committees served any special purpose. Your Chairman objected to this termination and there were also objections from

various members of the bar, the media and the judiciary, as a result of which the board reestablished the committee as a Standing Committee at its February 1982 meeting.

The present Standing Committee will continue to carry on the functions which were previously performed by the Special Committee to Confer with the Media and will meet as frequently as is necessary in order to maintain a relationship with the media which it is hoped will continue to resolve and reduce differences between the bench, bar and media regarding fair trial and free press.

The committee is currently scheduled to have a meeting during the State Bar convention in September 1982, after which the committee will participate in a meeting of the Statewide Bench/Bar/Media Committee for the purpose of continuing its dialog with the judiciary and the press for the purposes stated above.

The Chair of the committee is grateful to the Board of Governors for its action in reestablishing the committee as a Standing Committee and you have the assurance of the Chair that the committee will continue with its constructive activities in the field of fair trial and free press.

Respectfully submitted,

/s/ J. Hart Clinton

J. Hart Clinton

Chairman

State Bar Committee on Fair
Trial and Free Press

COMMITTEE ON JUVENILE JUSTICE

ITEM: Committee MeetingsCOST: \$10,380OBJECTIVE: Permit entire Committee to meet six times during the year at least possible cost.METHODOLOGY: The figure reflects six statewide meetings in 1983. The cost is determined by a formula (see note below). The cost of the meetings for the Committee is \$10,380. A savings would result if all meetings were held in the South.

In addition, \$140 is included for each meeting as the amount necessary to invite one ad hoc advisor to each meeting. This procedure was first authorized by the Board Committee on Public Affairs and Communications in 1982. The policy is that the Chair may invite resource persons to meetings, provided that there is a budget line item for that purpose.

The cost of meetings is relatively high because of the large size of the Committee. The Committee has 19 members. The Committee could function with fewer members but it would find it very difficult to function if communication were limited to the mail and conference calls. In addition, 16 Committee members will be in travel

status for meetings held in the North and 12 will be in travel status for meetings held in the South. The total cost is based on the expectation that three meetings will be held in the North and three meetings will be held in the South.

NOTE: The formula for determining meeting costs for the Committee on Juvenile Justice is:

$$(X \times .75 \times 140) + 100 = y$$

Meetings held in the North:

$$(16 \times .75 \times 140) + 100 = \$1,820$$

Meetings held in the South:

$$(12 \times .75 \times 140) + 100 = \$1,360$$

X = number of Committee members who are in travel status

.75 = factor for attendance

140 = average travel cost per member per trip

100 = cost of meeting room

y = base cost of meeting

COMMITTEE ON JUVENILE JUSTICE

ITEM: Staff assistanceCOST: ConfidentialOBJECTIVE: Provide requisite staff assistance to the Committee in its compliance with its responsibilities to the Board of Governors.METHODOLOGY: Staff attorney, 32% time; and secretary, 13.5% time.

Duties include legislative analysis, review of statutes and regulations in area of juvenile justice, preparation of reports on bills of others, liaison between Committee and State Bar Board of Governors.

In addition, all staff support with regard to agendas, meeting preparations, special reports, Committee appointments and responses to inquiries from public.

Coordination of the legislative program, affirmative legislative proposals, development of general Committee positions on legislation and project to revise a major part of the Welfare and Institutions Code.

PERSONNEL: Staff attorney, secretary.

COMMITTEE ON JUVENILE JUSTICE

ITEM: Special Projects (Trips to Sacramento and other Legislative or Administrative Hearings)

COST: \$1,400

OBJECTIVE: To permit Committee members to testify at legislative hearings regarding bills of others.

METHODOLOGY: The Committee has provided testimony in the past regarding the juvenile court system, child abuse reporting requirements,

dependency procedures and mandatory juvenile sentencing. The Committee anticipates continuing its participation at these hearings.

The figure of \$1,400 would cover the cost of ten trips to Sacramento at an estimated \$140 cost per trip. The Committee reported on 50 bills of others last year.

COMMITTEE ON JUVENILE JUSTICE

ITEM: Photocopy

COST: \$386.21

OBJECTIVE: To provide the requisite photocopying for the functioning of the Committee on Juvenile Justice.

METHODOLOGY: #Pages x .022¢/page x
#Copies = Cost

Agenda, Notice
and Minutes (15 x .022 x 30) x 6 meetings = \$59.40

Mailings:

Special Reports 250 x .022 x 7 = 38.50
Correspondence 295 x .022 x 7 = 45.43

Miscellaneous

Mailings 368 x .022 x 30 = 242.88

Total \$386.21

COMMITTEE ON JUVENILE JUSTICE

ITEM: PostageCOST: \$585.00OBJECTIVE: To provide necessary assistance in communicationsMETHODOLOGY: Estimating approximately four mailings a month at different weights in addition to distribution of bill reports.

#Mailings x Cost per item x #Copies x 12 months = Cost

2 x .30 x 30 x 12 = \$216.00

2 x .45 x 30 x 12 = 324.00

50 x .30 x 3 = 45.00
\$585.00

THE STATE BAR OF CALIFORNIA

San Francisco

INTER-OFFICE COMMUNICATION

DATE: October 7, 1982

TO: Russell B. Longaway

FROM: Paulette S. Eaneman

SUBJECT: 1982-1983 Committee Plans, Budgets

Here is a copy of the "Committee on Public Affairs Operating Plan 1982-1983," prepared by Chair Jeanne L. Arthur of Palo Alto. I believe you already have received a copy of the plan for the Committee on Fair Trial/Free Press, chaired by J. Hart Clinton of San Mateo. Both of these committees are staffed through the State Bar's Office of Bar Communications & Public Affairs. Initial

budget projections are summarized below; final figures will be available by October 15, 1983.

Committee on Public Affairs

Staff support \$2,653
(Represents 10 per cent of salary, taxes, fringes for the Senior Administrative Assistant who staffs this committee.)

Committee travel \$8,637
(Allows for six meetings and assumes that of 15 committee members, 11 will attend and seven will travel.)

Travel-catering \$1,100
(Covers cost of catered lunches and room rental on the one occasion when the committee meets at the Los Angeles airport.)

Committee on Fair Trial/Free Press

Staff support \$1,327
(Represents 5 per cent of salary, taxes, fringes for the Senior Administrative Assistant who staffs this committee.)

Committee travel \$1,268
(Allows for two meetings and assumes that of 11 committee members, nine will attend and six will travel.)

Travel-catering \$270
(Covers cost of room rental for one meeting.)

If you have questions, please let me know.

Committee on Public Affairs Operating Plan 1982-1983

Introduction-description of committee activities

The Committee on Public Affairs exercises general oversight responsibility for all media relations and public education programs of the State Bar as well as the development and maintenance of effective communication between the State Bar and its membership and between the State Bar and local, specialty and minority bar associations. The Committee is concerned both with specific programs and with the provision of communication services to other departments and divisions of the State Bar.

In carrying out its duties, the Committee develops new program ideas and methods. It also conducts studies and reports to the Board on issues that have a significant public relations impact.

The Committee meets six times a year. In addition Committee members prepare studies and reports in their own offices and conduct subcommittee discussions by correspondence or by telephone. The chairman and the vice-chairman frequently attend Board Committee meetings to present Committee reports and to maintain effective liaison with the Board.

The Committee is authorized for fifteen members which has proved over the years to be close to an optimum number.

Because of the number of staff reporting to the Committee and the policy discussions which the committee must undertake, the Committee must meet as a whole.

Budget

The Committee budget is part of the larger budget of the Office of Public Affairs whose fulltime staff provide staff support to the Committee. The portion of the budget denominated "committee" has traditionally included only that portion of the budget necessary to conduct committee meetings and prepare committee reports, including committee travel to Board meetings and excluding staff travel which is covered elsewhere in the budget. The quantity and type of staff support provided to the committee depends upon the determination of the type and scope of projects and programs to be undertaken by the office of Public Affairs as a whole and is budgeted by the staff with the advice and recommendations of the committee.

Program Plan 1982-1983

The Committee is an oversight and policy committee. The matters that arise in the course of program operation and the policy matters referred by the Board cannot be determined in advance. The Committee agenda for any given year is therefore subject to amendment as the year progresses. Beginning the 1982-1983 year, the Committee has the following items on its agenda:

- Continuing review, oversight and development of existing programs and services

- Program development assistance to new media relations director

- Design of program for publication and distribution of pamphlets in other languages

Policy review and recommendations regarding requests for co-publication arrangements with other bars (pamphlets)

Reinstitution of Golden Medallion Media Awards program

Feasibility and development study of additional public education and media relations programs and services

MENTZ, FINN, GILBERT & CLARKE
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
883 SNEATH LANE
SAN BRUNO, CALIFORNIA 94066

| | |
|------------------------|----------------|
| Arnold H. Mentz | San Francisco |
| Thomas M. Finn | (415) 761-1200 |
| Nathan A. Gilbert | Peninsula |
| Thomas E. Clarke | (415) 873-2882 |
| J. Joseph McDowell | |
| Sherry L. Newton | San Jose |
| Anthony T. Topolsky | (408) 988-7866 |
| Dorothy Anderson North | |

September 24, 1982

Committee on Workers' Compensation
State Bar
555 Franklin Street
San Francisco, California 94102

Attn: Russell Longaway

Re: Budget

Gentlemen:

It appears that the committee will be dealing with a number of bills in the legislature. I would estimate that

there will be in the neighborhood of twenty to twenty-five bills referred to the committee.

Further the committee will need to deal with any activity on the Auditor's General report that may develop in Sacramento. This is a little uncertain as to what activity there may be but I would estimate that it would necessitate perhaps two to three visits to Sacramento.

Further the committee this year it is hoped will originate proposals for new legislation in a number of areas. While the committee will need to establish priorities and perhaps focus its attention in one or two areas it would appear that there are five or six separate areas in which the committee members have concerns and for which legislation may be proposed. If that occurs, there may be necessity for meetings and other trips to Sacramento to attempt to push committee sponsored legislation forward.

On a routine basis I would expect that the committee will need to meet four times during the next year. I would also expect that there might be one or possibly two special purpose meetings that may be necessary.

If you need any additional information from me please let me know.

Also, I would appreciate if the names of the committee members are available that I could receive that.

Thank you.

Yours very truly,

/s/ Thomas E. Clarke
THOMAS E. CLARKE

TEC/ar

November 4, 1982

Russell B. Longaway

Jerome Fishkin

Attorney Time and Travel - Assigned Sections.
Estimates for 1983

| <u>Item</u> | <u>Time</u> | <u>Money</u> |
|-----------------------------------------------------------------------------------------------------------------|-------------|--------------|
| <u>Public Law</u> | | |
| 1. Regular Items | | |
| Receives about 100 bills of others and reports on about 20. In 1983, staff counsel is the legislative screener. | | |
| 80 at 2 hours | | |
| 10 at 3 hours | | |
| 10 at 5 hours | 260 | |
| Receives about 50 proposed changes and additions to administrative regulations. Staff does initial screening. | | |
| 40 at 2 hours | | |
| 10 at 3 hours | 110 | |
| Receives about 5 conference resolutions | | |
| 5 at 2 hours | 10 | |
| 2. Special Items | | |
| a. Annual survey of wages and working conditions of public attorneys | 40 | |

b. Lis Pendens revision (time reported at Condemnation Committee)

3. Meeting Schedule

6 meetings including State Bar Convention. 3 in S.F., 2 in L.A., 1 in Anaheim.

| | | |
|-----------------------------|----|-------|
| S.F. - 3 at 4 hours | | |
| 3 hours - follow up reports | 21 | \$21 |
| L.A. - 2 at 10 hours | | |
| 3 hours - follow up reports | 26 | \$300 |
| Anaheim, 1 at 10 | | |
| 3 hours - follow up reports | 13 | |
| Overnight | | \$200 |

Real Property

1. Regular Items

Receive about 100 bills and report on 20.

| | |
|----------------|-----|
| 70 at 2 hours | |
| 15 at 3 hours | |
| 15 at 10 hours | 335 |

Receive about 75 proposed changes and revisions to administrative regulations. Staff does initial screening.

| | |
|---------------|-----|
| 75 at 2 hours | 150 |
|---------------|-----|

Receive about 10 conference resolutions

8 at 2 hours
2 at 5 hours 26

Monthly roundtable luncheon 40 \$240

2. Special Items

a. Revision of lis pendens law office 30

b. Substantial Impairment (time reported at Condemnation Committee)

c. Revision of AB 3531 (creative financing disclosures law)

Office 40
Sacramento 30 \$225

3. Meetings

2 in L.A.; 2 in S.F.; 2 out of the area overnight; follow up reports 120 \$700

Taxation

1. Regular Items

Receives about 200 bills per year and reports on about 20

180 at 1/4 hour
10 at 1 hour
10 at 2 hours 65

Review tax literature 40

Meeting with District Directors of IRS 20

Resolutions of the Conference

5 at 1 hour each 5

2. Special Items

a. Review of changes in California Tax Law, edit annual report 40

b. Section Recruitment Publications of State Bar - revisions 20

c. Rev. & T. 24514(a)(3) repeal on State Bar tentative legislative program

Office 20
Sacramento 40 \$150

d. Proposal to limit tax deduction in state income tax 20

3. Meetings

2 in S.F.; 2 in L.A.; 2 out of area overnight; follow up reports 120 \$700

SPECIAL NOTE RE: Business Law Section

While this group has no assigned staff attorney, there are still phone calls, questions and expenditure co-signatures that are directed to an attorney on staff; that's me.

Estimated time 25

BUSINESS LAW SECTION

ITEM: Section Administrator
COST: Confidential
OBJECTIVE: Manage the operation of the Section in its compliance with its responsibilities to the Board of Governors.
METHODOLOGY: Section Administrator, 45% of time and secretary, 44% time.

Duties include preparation and followup for Executive Committee meetings, attendance at meetings and preparation of minutes. Serving as liaison between the State Bar and the Section's Executive and standing committees. Communicating with Section Officers and committee members re Section policies and operations. Handling telephone inquiries re Section activities, policies and relevant legislation. Analyzing and referring inquiries to the appropriate Section personnel. Preparing reports to State Bar management, Financial Department, etc. re Section activities, finances and operations.

Coordinating the Section's annual spring program. Coordinating the Section's annual program and activities in conjunction with the State Bar annual meeting. Coordinating the printing and publication of Section publications. Overseeing the financial operation of the Section and preparing an annual budget. Consulting with the Section Executive Committee re recruitment and coordinating Section enrollment. Interviewing, hiring, training, evaluating and supervising secretarial staff.

CRIMINAL LAW SECTION

ITEM: Staff attorney assistance
COST: Confidential
OBJECTIVE: Provide requisite staff attorney assistance to the Section in its compliance with its responsibilities to the Board of Governors.
METHODOLOGY: Staff attorney, 48% time; and secretary, 19% time.

Duties include preparation and follow-up for Executive Committee meetings, attendance at meetings and preparation of minutes. Coordination of, and preparation for legislative committee meetings including legislative analysis, preparation of reports on bills of others, liaison between Section and State Bar Board of Governors. Preparation of special reports to the Board of Governors on topics related to criminal law. Liaison between Board of Governors and Section regarding the appointments procedures. Provide responses to public inquiries relating to criminal law. Liaison to ABA Criminal Justice Section.

CRIMINAL LAW SECTION

ITEM: Section Administrator support

COST: Confidential

OBJECTIVE: Manage the operations of the Section in compliance with its responsibilities to the Board of Governors.

METHODOLOGY: Section Administration 31%; secretary 20%.

Duties Include:

I. *Management and Development of Section Activities and Projects.*

A. Working directly with Section Chair and Committee members in providing management and development of Section activities and programs.

B. Preparation of agendas, attendance at, writing and distribution of minutes and administrative reports relative to meetings of the Executive Committee.

C. Coordination of production and mailing for pamphlets, information materials, Section rosters, and promotional materials for membership. Duties also include developing appropriate procedures for section enrollments, including management of membership processing and special mailings.

D. Coordinating educational offerings with the C.E.B. Liaison to the Section.

E. Secretarial interviewing, hiring, training and performance evaluation.

F. Answering inquiries from attorneys and the public, directing to the appropriate source as necessary and generally serving as a liaison between the public and the State Bar of California.

G. Working in the coordination of Section activities with various departments within the State bar, e.g., Legal Specialization, Finance and Operations, Communications, Office Services, Computer Services, Membership Records and Word Processing.

II. *Seminars, Workshops and the Annual Program.*

A. Attending and managing the annual program, including registration, publicity, taping, media, location, syllabi, speakers and other management tasks relating to the successful production of the Section's Annual Program.

III. *Newsletters*

A. Managing production (proofing galleys and approving layout), final editing and mailing. Writing promotional and informational articles as required.

IV. *Budgets*

A. Preparing annual budget, monthly budget statements, processing all bills and expense vouchers and maintaining accurate financial records.

- ITEM: Staff Attorney Assistance to the Estate Planning, Trust and Probate Law Section
- COST: To be revealed to the Board of Governors.
- OBJECTIVE: Provide attorney assistance to the Section.
- METHODOLOGY: Staff attorney, 23% time; attorney's secretary, 20% time.

Staff assistance includes: Advising Section of State Bar rules, regulations and procedures writing legislative and other Section reports to the Board of Governors; tracking status of bills of interest to the Section; making legislative reports on legislative bills of others; drafting Section response to Conference Resolutions; taking and transcribing Executive Committee minutes.

Staff attorney: attends all Executive Committee meetings (average of nine per year, at nine hours each including travel time) because of the Section's strong involvement in the State Bar's legislative program and work with the California Law Revision Commission; advises the Section of State Bar rules, regulations and policies pertinent to Executive Committee's monthly agenda items. Estimated staff attorney time for this Section is five days per month.

ESTATE PLANNING, TRUST AND PROBATE LAW SECTION

- ITEM: Section Administrator support
- COST: Confidential

OBJECTIVE: Manage the operations of the Section in compliance with its responsibilities to the Board of Governors.

METHODOLOGY: Section Administration 34%; secretary 39%.

Duties Include:

I. *Management and Development of Section Activities and Projects.*

A. Working directly with Section Chair and Committee members in providing management and development of Section activities and programs.

B. Preparation of agendas, attendance at, writing and distribution of minutes and administrative reports relative to meetings of the Executive Committee.

C. Coordination of production and mailing for pamphlets, information materials, Section rosters, and promotional materials for membership. Duties also include developing appropriate procedures for section enrollments, including management of membership processing and special mailings.

D. Coordinating educational offerings with the C.E.B. Liaison to the Section.

E. Secretarial interviewing, hiring, training and performance evaluation.

F. Answering inquiries from attorneys and the public, directing to the appropriate source as necessary and generally serving as a liaison between the public and the State Bar of California.

G. Working in the coordination of Section activities with various departments within the State bar, e.g., Legal Specialization, Finance and Operations, Communications, Office Services, Computer Services, Membership Records and Word Processing.

II. *Seminars, Workshops and the Annual Program.*

A. Attending and managing the annual program, including registration, publicity, taping, media, location, syllabi, speakers and other management tasks relating to the successful production of the Section's Annual Program.

III. *Newsletters*

A. Managing production (proofing galleys and approving layout), final editing and mailing. Writing promotional and informational articles as required.

IV. *Budgets*

A. Preparing annual budget, monthly budget statements, processing all bills and expense vouchers and maintaining accurate financial records.

FAMILY LAW SECTION

ITEM: Staff attorney assistance to the Family Law Section

COST: To be disclosed to the Board of Governors

OBJECTIVE: Provide staff attorney assistance to the Section

METHODOLOGY: Staff attorney, 23% time; secretary, 10% time.

ASSISTANCE INCLUDES: Advising the Section of State Bar rules, regulations and procedures; writing legislative and other reports to the Board of Governors; writing the Section's response to Conference Resolutions; reviewing minutes drafted by the Section Administrator and writing the portions dealing with legislation; tracking bills of interest to the Section.

The staff attorney attends all Executive Committee meetings (average of 11 per year for eight hours each, including travel time) because a high number of bills dealing with family law are referred to the Section, and to advise the Section of State Bar rules, regulations and procedures pertaining to agenda items. Estimated attorney time for this Section is five days per month. Most of the secretarial assistance to the Section is provided by the Section Administrator's secretary.

FAMILY LAW SECTION

ITEM: Section Administrator support

COST: Confidential

OBJECTIVE: Manage the operations of the Section in compliance with its responsibilities to the Board of Governors.

METHODOLOGY: Section Administration 39%; secretary 42%.

Duties Include:

I. *Management and Development of Section Activities and Projects.*

A. Working directly with Section Chair and Committee members in providing management and development of Section activities and programs.

B. Preparation of agendas, attendance at, writing and distribution of minutes and administrative reports relative to meetings of the Executive Committee.

C. Coordination of production and mailing for pamphlets, informational materials, Section rosters, and promotional materials for membership. Duties also include developing appropriate procedures for section enrollments, including management of membership processing and special mailings.

D. Coordinating educational offerings with the C.E.B. Liaison to the Section.

E. Secretarial interviewing, hiring, training and performance evaluation.

F. Answering inquiries from attorneys and the public, directing to the appropriate source as necessary and generally serving as a liaison between the public and the State Bar of California.

G. Working in the coordination of Section activities with various departments within the State bar, e.g., Legal Specialization, Finance and Operations, Communications, Office Services, Computer Services, Membership Records and Word Processing.

II. *Seminars, Workshops and the Annual Program.*

A. Attending and managing the annual program, including registration, publicity, taping, media, location, syllabi, speakers and other management tasks relating to the successful production of the Section's Annual Program.

III. *Newsletters*

A. Managing production (proofing galleys and approving layout), final editing and mailing. Writing promotional and informational articles as required.

IV. *Budgets*

A. Preparing annual budget, monthly budget statements, processing all bills and expense vouchers and maintaining accurate financial records.

LABOR AND EMPLOYMENT LAW SECTION

ITEM: Section Administrator

COST: Confidential

OBJECTIVE: Manage the operation of the Section in its compliance with its responsibilities to the Board of Governors.

METHODOLOGY: Section Administrator, 37% time and secretary, 38% time.

Duties include: Preparation and followup for Executive Committee meetings, attendance at meetings and preparation of minutes. Direction of the Section's recruitment campaign. Serving as liaison between the State Bar and the Section. Answering inquiries from the public and where indicated, referring them to the appropriate Section representatives. Preparing financial reports and reports re Section operations and activities. Coordinating Section programs. Coordinating the Section's annual program and activities held in conjunction with the State Bar annual meeting. Overseeing the financial operation, approving expenditures, and preparing the annual budget of the Section. Overseeing the enrollment of Section members. Coordinating the design/printing/distribution of Section publications. Overseeing the production of the Section newsletter including its editing, proofing, layout and printing. Interviewing, hiring, training, evaluating and supervising secretarial staff.

PATENT, TRADEMARK AND COPYRIGHT LAW SECTION

ITEM: Staff attorney assistance

COST: To be disclosed to the Board of Governors

OBJECTIVE: Provide attorney assistance to the Section.

METHODOLOGY: Staff attorney, minimal time (less than 3%); secretary, minimal time (less than 2%)

Assistance includes: drafting legislative reports to Board of Governors (1981 affirmative proposal to conform California copyright laws to the 1976 Federal Copyright Act); editing Conference Resolution reports; providing advice and assistance as needed.

Staff attorney only attends Executive Committee meetings held in San Francisco and where a legislative matter is on the agenda. Estimated attorney time for this Section is roughly half a day a month.

PATENT LAW SECTION

ITEM: Section Administrator

COST: Confidential

OBJECTIVE: Manage the operation of the Section in its compliance with its responsibilities to the Board of Governors.

METHODOLOGY: Section Administrator, 18% time and secretary, 18% time.

Duties include: Preparation and followup for Executive Committee meetings, attendance at meetings and preparation of minutes. Serving as liaison between the State Bar and the Section's executive and standing committees. Communicating with Section Officers and committee members re Section policies and operations. Providing information to the public re Section activities, policies and relevant legislation. Analyzing and referring inquiries from the public to the appropriate Section personnel. Coordinating the Section's programs. Coordinating Section activities held in conjunction with the State Bar's annual meeting. Overseeing the financial operation, approving expenditures, and preparing the annual budget of the section. Overseeing the enrollment of Section members. Managing the Section's recruitment campaign. Coordinating the design, printing and distribution of Section publications. Coordinating production/distribution of the Section newsletter. Interviewing, hiring, training, evaluating and supervising secretarial staff.

ATTACHMENT J

Other bar services projects under way include responding to information requests from bar leaders on a myriad of subjects; publication of the state bar *Directory*, a loose-leaf binder listing persons active in the California bar scene; a bar inventory or survey of voluntary bar association programs, operations, structure and needs to be published in a booklet that distills responses into a readable, useful format; a series of one-day meetings on issues of interest and importance to bar leaders such as

lawyer discipline, unauthorized practice of law and public education; and a conference on the particular concerns of minority bar leaders.

Bar services also sponsors a program for bar leaders at the Conference of Bar Presidents; last year's half-day session focused presidents and executives on how to speak effectively and how to deal effectively with the news media. Staff also works with the newly-formed Executives of California Lawyers' Associations to bring programs on better bar management to the state's bar executives.

**Information services for members*

This state bar unit receives and answers over 400 specific questions per month, written or phoned in by members of the legal profession and by the general public as well.

**Conference of Bar Presidents*

Planned and chaired by the Executive Committee of the Conference of Delegates, the annual conference of Bar Presidents is a vehicle for an exchange between the state bar and local bar presidents about state bar activities and programs. It also is an opportunity for bar leaders to discuss with each other common issues and concerns and to explore various alternatives for performing local bar services. In addition, the conference allows local bar association officers to bring to the state bar Board of Governors the views of members in their local groups.

**Conference of Delegates*

The conference is the only opportunity for local bar associations to propose, analyze, debate and adopt resolutions dealing with a wide range of issues, including the regulation of the legal profession, the role and activities of the state bar and the bar Board of Governors and, mostly, legislative proposals primarily concerned with the administration of justice, the practice of law and the delivery of legal services.

The conference in 1979 was empowered by the bar Board of Governors to develop and carry its own legislative program for the first time in its history. Under this new system, conference resolutions that are not placed by the Board of Governors in the state bar's legislative program are categorized for further action, with Category I proposals then pursued in Sacramento by the state bar's legislative advocate. Proposals placed in Category II through IV are advocated by the local bar association sponsoring the original conference resolution or are referred for further study to appropriate state bar sections or committees. Resolutions not dealing with legislation for the most part are advisory only to the Board of Governors.

ATTACHMENT K

RESOLUTIONS TO BE PRESENTED TO THE 1982 CONFERENCE OF DELEGATES

INDEX BY SUBJECT

PROBATE AND ESTATE PLANNING

Resolution: 1-1; Subject: Wills: Admissibility Where Lacking Formal Execution; Code: Probate Code § 58.

Resolution: 1-2; Subject: Community Property Set-Aside Petition: Service of Copy; Code: Probate Code § 653.

Resolution: 1-3; Subject: Will Contest: Compensation for Successful Defense; Code: Probate Code § 902.

Resolution: 1-4; Subject: Grantor Trusts: Protection Against Termination by Merger; Code: Civil Code § 2225.

Resolution: 1-5; Subject: Probate Sales: Apportionment of Commission Among Real Estate Brokers; Code: Probate Code § 761.

Resolution: 1-6; Subject: Inheritance and Gift Tax: Disclaimer to Preserve Charitable Exemption; Code: Probate Code § 190.

Resolution: 1-7; Subject: Inheritance Tax: Marital Deduction for Qualified Terminable Interest Property; Code: Revenue & Taxation Code § 13805.1.

Resolution: 1-8; Subject: Inheritance Tax: Exemption of Inter Vivos Transfers that Take Effect at Death; Code: Revenue & Taxation Code § 13643.

Resolution: 1-9; Subject: Inheritance Tax: Designation of Person to Receive Property Tax-Free; Code: Revenue & Taxation Code §§ 13307 & 13805.

MISCELLANEOUS

Resolution: 2-1; Subject: Draft Registration: Repeal of Presidential Proclamation; Code:.

Resolution: 2-2; Subject: Bilateral Nuclear Weapons Freeze Initiative; Code:.

Resolution: 2-3; Subject: Immigration: Opposition to Legislative Changes; Code:.

Resolution: 2-4; Subject: Sex Discrimination: State Equal Rights Amendment; Code: California Constitution, Article I, § 30.

Resolution: 2-5; Subject: Federal Courts: Limiting Jurisdiction Over Certain Issues; Code:.

Resolution: 2-6; Subject: Income Tax: Denial of Deduction to Patron of Discriminatory Private Club Holding an Alcoholic Beverage License; Code: Business & Professions Code § 23438; Revenue & Taxation Code §§ 17202.2 & 24343.2.

Resolution: 2-7; Subject: Federal Budget: Transfer of Funds From Military Budget to Meet Specified Social Needs; Code:.

Resolution: 2-8; Subject: California Environmental Quality Act: Notice of Determination for Exempt Project; Code: Public Resources Code §§ 21108 & 21152.

Resolution: 2-9; Subject: National Holidays: Dr. Martin Luther King, Jr.'s Birthday; Code:.

Resolution: 2-10; Subject: Education of Handicapped Children: Use of Attorneys for Fair Hearings; Code: Education Code § 56507.

Resolution: 2-11; Subject: Reapportionment: Establishment of a Districting Commission; Code: California Constitution, article IV, §§ 1 & 6; article IV A; article VI, § 17, article XXI.

Resolution: 2-12; Subject: Attorneys' Fees: County Contribution to Fees Incurred to Collect Supplemental Security Income Benefits; Code: Welfare & Institutions Code § 17403.1.

CIVIL PROCEDURE AND EVIDENCE

Resolution: 3-1; Subject: Depositions Oath or Verification; Code: Code of Civil Procedure § 2015.5.

Resolution: 3-2; Subject: Depositions: Notice Requirements and Transcripts; Code: Code of Civil Procedure § 2019.

Resolution: 3-3; Subject: Depositions: Time for Notice of Deposition When Documents Requested; Code: Code of Civil Procedure § 2019.

Resolution: 3-4; Subject: Interrogatories and Requests for Admissions: Time for Further Discovery; Code: Code of Civil Procedure §§ 2030 & 2033.

Resolution: 3-5; Subject: Expert Witnesses: Mandatory Disclosure; Code: Code of Civil Procedure §§ 2037 & 2037.9.

Resolution: 3-6; Subject: Expert Witnesses: Exchange of Lists and Fees for "Bad Faith" Disclosure; Code: Code of Civil Procedure §§ 2037 & 2037.1.

Resolution: 3-7; Subject: Demurrers: Abolition; Code: Code of Civil Procedure § 430.10.

Resolution: 3-8; Subject: Demurrers: Abolition; Code: Code of Civil Procedure § 430.20.

Resolution: 3-9; Subject: Demurrers: Abolition; Subject: Code of Civil Procedure § 430.30.

Resolution: 3-10; Subject: Demurrers: Abolition; Code: Code of Civil Procedure § 430.40.

Resolution: 3-11; Subject: Demurrers: Abolition; Code: Code of Civil Procedure § 430.50.

Resolution: 3-12; Subject: Demurrers: Abolition; Code: Code of Civil Procedure § 430.60.

Resolution: 3-13; Subject: Demurrers: Abolition; Code: Code of Civil Procedure § 430.70.

Resolution: 3-14; Subject: Demurrers: Abolition; Code: Code of Civil Procedure § 430.80.

Resolution: 3-15; Subject: Mandatory Arbitration: Request for Trial De Novo When There Are Multiple Parties; Code: Code of Civil Procedure §§ 1141.20 & 1141.23.

Resolution: 3-16; Subject: Mandatory Arbitration: Award of Attorneys' Fees After Trial de Novo; Code: Code of Civil Procedure § 1141.21.

Resolution: 3-17; Subject: Mandatory Arbitration: Award of Attorneys' Fees After Trial De Novo; Code: Code of Civil Procedure § 1141.21.

Resolution: 3-18; Subject: Mandatory Arbitration: Increased Compensation for Arbitrators; Code: Code of Civil Procedure § 1141.18.

Resolution: 3-19; Subject: Mandatory Arbitration: Sanctions for Failure to Participate in Good Faith; Code: Code of Civil Procedure § 1141.19a.

Resolution: 3-20; Subject: Uninsured Motorist Arbitration Hearings: Subpoenas; Code: Insurance Code § 11580.2.

Resolution: 3-21; Subject: Appeals: Superior Court Attachment Order; Code: Code of Civil Procedure § 904.1.

Resolution: 3-22; Subject: Appeals: Municipal Court Attachment Orders; Code: Code of Civil Procedure § 904.2.

Resolution: 3-23; Subject: Law and Motion: Tentative Ruling Procedure; Code: Code of Civil Procedure § 1006.5.

Resolution: 3-24; Subject: Pretrial Conferences Motions to Set; Code: California Rules of Court, Rules 206 & 208.

Resolution: 3-25; Subject: Statement of Decision: Time for Requesting; Code: Code of Civil Procedure § 632.

Resolution: 3-26; Subject: Judicial Council Forms: Deletion of Mandatory Use Requirement; Code: Code of Civil Procedure § 425.12.

Resolution: 3-27; Subject: Civil Procedure: Sanctions for Pleading in Bad Faith; Code: Code of Civil Procedure § 128.5.

Resolution: 3-28; Subject: Real Property: Proof on Motion to Expunge Lis Pendens; Code: Code of Civil Procedure § 409.1.

Resolution: 3-29; Subject: Real Property: Consent to Withdrawal of a Lis Pendens; Code: Code of Civil Procedure § 409.55.

Resolution: 3-30; Subject: Medical Malpractice: Notice Regarding Intention to Bring Action; Code: Code of Civil Procedure § 364.

Resolution: 3-31; Subject: Medical Malpractice: Discipline of Attorneys for Failure to Comply With Notice Requirement; Code: Code of Civil Procedure § 365.

Resolution: 3-32; Subject: Medical Malpractice: Requirement for Certificate of Merit; Code: Code of Civil Procedure § 411.30.

Resolution: 3-33; Subject: Real Property: Remedies for Breach of Agreement; Code: Civil Code §§ 3306, 3307, & 3387.

Resolution: 3-34; Subject: Mechanic's Lien Release Bond: Notice and Statute of Limitations; Code: Civil Code § 3144.5.

Resolution: 3-35; Subject: Perjury: Civil Cause of Action; Code: Civil Code §§ 3345-3345.4.

Resolution: 3-36; Subject: Bifurcated Trials: Mandatory Dismissal; Code: Code of Civil Procedure § 583.

Resolution: 3-37; Subject: Trademarks: Seizure of Infringing Goods; Code: Business & Professions Code § 14340.

Resolution: 3-38; Subject: Attorneys: Attire in the Courtroom; Code: California Rules of Court, rule 987.

Resolution: 3-39; Subject: Municipal/Justice Courts: Appearance of Corporate Defendants; Code: Code of Civil Procedure § 87.

BUSINESS, CORPORATE AND TAX PRACTICE

Resolution: 4-1; Subject: State Income Tax: Adoption of New Tax Year for Subsidiary Corporation; Code: Revenue & Taxation Code § 24638.

Resolution: 4-2; Subject: State Tax Liens: Exemption of Security Interests; Code: Government Code § 7170.

Resolution: 4-3; Subject: Corporations Determination of Valuation Date for Purchase of Stock to Avoid Dissolution; Code: Corporations Code § 2000.

Resolution: 4-4; Subject: Vehicle Dealer's License: \$50,000 Bond; Code: Vehicle Code §§ 11710 & 11710.1.

Resolution: 4-5; Subject: Invention Development Business: Confidential Disclosures; Code: Business & Professions Code § 22395.

Resolution: 4-6; Subject: Invention Development Business: Warning To Customer; Code: Business & Professions Code § 22381.

Resolution: 4-7; Subject: Banks: Restriction on Deposit of State Funds; Code: Government Code § 16500.

Resolution: 4-8; Subject: Bankruptcy: Orders For Relief From Stay; Code: 11 United States Code § 362.

Resolution: 4-9; Subject: Trade Name: Right to Use; Code: Corporations Code § 201.

Resolution: 4-10; Subject: State Income Tax: Carry-over or Carry-back of Business Operating Losses; Code: Revenue & Taxation Code § 17221.5.

Resolution: 4-11; Subject: Dependent Care: Increases in Net Tax Credit for Employment Related Expenses; Code: Revenue & Taxation Code § 17052.6.

Resolution: 4-12; Subject: Rate of Interest: Judgments; Code: California Constitution, article XV, § 1.

Resolution: 4-13; Subject: Rate of Interest: Prejudgment and Postjudgment; Code: California Constitution, article XV, § 1.

Resolution: 4-14; Subject: Interest Rates: Breach of Contracts; Code: Civil Code § 3289.

Resolution: 4-15; Subject: Tort Actions: Prejudgment Interest; Code: Civil Code § 3287.

Resolution: 4-16; Subject: Tort Actions: Prejudgment Interest; Code: Civil Code § 3287.

STATE BAR AND LEGAL PRACTICE

Resolution: 5-1; Subject: Biotechnology and Genetic Engineering: Establishes a Standing Committee; Code:.

Resolution: 5-2; Subject: Continuing Education: Creates a Committee to Study CEB; Code:.

Resolution: 5-3; Subject: State Bar Board of Governors Public Attorney Members; Code: Business & Professions Code §§ 6013.6 & 6013.7.

Resolution: 5-4; Subject: State Bar Board of Governors: Limits on Voting Rights of Public Members; Code: Business & Professions Code §§ 6008.4, 6030 & 6031.

Resolution: 5-5; Subject: Conference of Delegates: State Bar Assistance in Drafting Resolutions; Code:.

Resolution: 5-6; Subject: State Bar Functions: Coordination of Small Bar Association Activities; Code:.

Resolution: 5-7; Subject: Legal Services Corporation Programs: Withdrawal of Counsel; Code: Code of Civil Procedure § 285.2.

Resolution: 5-8; Subject: Attorney's Fees: Written Agreement Required; Code: Business & Professions Code § 6250.

Resolution: 5-9; Subject: Acknowledgement of Instruments: Notarization by Attorneys; Code: Civil Code § 1180.

Resolution: 5-10; Subject: Lawyer Referral Services: Time Limits on Disclosure of Discipline of Member; Code: Civil Code § 43.95.

Resolution: 5-11; Subject: Client Trust Accounts: Feasibility Study of Voluntary Audit Program; Code:.

Resolution: 5-12; Subject: Client Trust Accounts: Establishment of Specific Guidelines for Maintaining; Code:.

Resolution: 5-13; Subject: Legal Education: Study of Required Internship Program; Code:.

Resolution: 5-14; Subject: Law Students: Prosecution of Infractions Without Direct Supervision; Code: Rules Governing the Practical Training of Law Students, rule VI.

Resolution: 5-15; Subject: Law School Accreditation: Discrimination; Code: Rules Regulating Admission to Practice Law in California, rule XVIII, §§ 182 & 183.

Resolution: 5-16; Subject: Unaccredited Law Schools: Disclosure of Bar Examination Success Rate; Code: Business & Professions Code § 6060.10.

Resolution: 5-17; Subject: Attorney's Fees: Disciplinary Referral for Consistent Pattern of Unusually High Fees; Code: Business & Professions Code § 6207.

Resolution: 5-18; Subject: Admission to Practice: Time Limits in Moral Character Hearings; Code: Rules Regulating Admission to Practice Law in California, rule X, § 105.

Resolution: 5-19; Subject: Attorney Discipline: Law Offices Management Study as a Condition of Probation; Code:.

Resolution: 5-20; Subject: Attorney Discipline: Reimbursement of the Cost of Disciplinary Proceedings; Code: Business & Professions Code § 6077.

CRIMINAL LAW AND PROCEDURE

Resolution: 6-1; Subject: Concealable Firearms: Registration; Code: Penal Code §§ 12026, 12026.5, 12026.6, 12070, 12072, & 12080.

Resolution: 6-2; Subject: Concealable Firearms: Certificate of Training; Code: Penal Code §§ 12072 & 12077.5.

Resolution: 6-3; Subject: Criminal Pleadings: Demurrers to Sentence Enhancement Allegations; Code: Penal Code § 1004.

Resolution: 6-4; Subject: Criminal Pleadings: Motion to ismiss a Sentence Enhancement Allegation; Code: Penal Code § 995.

Resolution: 6-5; Subject: Prostitution: Decriminalization; Code: Penal Code §§ 266, 266b, 266d, 266e, 266f, 266g, 266i, 268, 269, 315, 316, 318, 647, 784, 1108 & 11225.

Resolution: 6-6; Subject: Habeas Corpus: Compensation of Counsel; Code: Penal Code § 1474.

Resolution: 6-7; Subject: Public Assistance: Punishment for Fraud; Code: Welfare & Institutions Code § 11483.

Resolution: 6-8; Subject: Unlawful Assembly: Exemption of News Media From an Order to Disperse; Code: Penal Code § 409.

Resolution: 6-9; Subject: Criminal Pleadings: Motion for Acquittal of Sentence Enhancement; Code: Penal Code §§ 1118 & 1118.1.

Resolution: 6-10; Subject: Criminal Appeals: Necessity of Argument; Code: Penal Code § 1253.

LABOR LAW

Resolution: 7-1; Subject: Employment Contracts Termination At Will; Code: Labor Code § 2922.

Resolution: 7-2; Subject: Sexual Harassment: Unlawful Employment Practice; Code: Government Code § 12949.

Resolution: 7-3; Subject: Job Discrimination: Equal Pay for Comparable Work; Code:.

Resolution: 7-4; Subject: Employment: Encouraging Flexible Work Schedules; Code:.

Resolution: 7-5; Subject: Jury Duty: Payment from Workers' Compensation Insurance; Code: California Constitution, article 14, § 4.

Resolution: 7-6; Subject: Employment Contracts: Assignment of Employee Creations; Code: Labor Code § 2870.

Resolution: 7-7; Subject: Worker's Compensation: Increase in Temporary and Permanent Disability Benefits; Code: Labor Code § 4453.

Resolution: 7-8; Subject: Workers' Compensation: Increase in Temporary Disability Benefits for Household Employees and Newspaper Vendors; Code: Labor Code § 4453.1.

Resolution: 7-9; Subject: Workers' Compensation: Increase in Permanent Disability Benefits to Minors; Code: Labor Code § 4453.

Resolution: 7-10; Subject: Workers' Compensation: Increase in Temporary and Permanent Disability Benefits; Code: Labor Code § 4460.

Resolution: 7-11; Subject: Workers' Compensation: Increase in Temporary Total Disability Benefits; Code: Labor Code § 4453.

Resolution: 7-12; Subject: Workers' Compensation: Increase in Temporary Partial Disability Payments; Code: Labor Code § 4654.

Resolution: 7-13; Subject: Unemployment: Amendments to Humphrey-Hawkins Act; Code: 15 United States Code §§ 1021, 1022f & 1023.

FAMILY LAW

Resolution: 8-1; Subject: Dissolution of Marriage: Reimbursement for Separate Contribution to Community Property; Code: Civil Code § 4800.7.

Resolution: 8-2; Subject: Dissolution of Marriage: Collection of Tort Damages; Code: Civil Code § 5122.

Resolution: 8-3; Subject: Spousal Support: Cohabitation of Supported Spouse; Code: Civil Code § 4801.5.

Resolution: 8-4; Subject: Spousal Support: Cohabitation of Supported Spouse; Code: Civil Code § 4801.5.

Resolution: 8-5; Subject: Spousal Support: Cohabitation of Supporting Spouse; Code: Civil Code § 4801.5.

Resolution: 8-6; Subject: Dissolution of Marriage: Military Pension as Community Property; Code:.

Resolution: 8-7; Subject: Dissolution of Marriage: Group Health Insurance for Non-Employee Spouse; Code: Civil Code § 4365.

Resolution: 8-8; Subject: Child Support: Enforcement Actions to Include Custody; Code: Welfare & Institutions Code § 11350.1.

Resolution: 8-9; Subject: Paternity: Admissibility of Refusal to Submit to Blood Tests; Code: Evidence Code § 892.

Resolution: 8-10; Subject: Child Abduction: Prosecution of Parent Who Violates Physical Custody Decree; Code: Penal Code § 278.5.

Resolution: 8-11; Subject: Child Care Centers: Mandatory Establishment in Schools; Code: Education Code §§ 8255 & 8265.

Resolution: 8-12; Subject: Bankruptcy: Discharge of Family Law Attorneys' Fees and Costs; Code: 11 United States Code § 523.

LATE FILED RESOLUTIONS

Resolution: LF-1; Subject: Gun Control: Endorsement of California Initiative; Code:.

COD = Conference of Delegates

EX Com = Executive Committee, Conference of Delegates

BOG = Board of Governors

STATUS OF 1980 AND 1981 CONFERENCE RESOLUTIONS

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1981 RESOLUTIONS

Resolution: 1-1-81; Title: Attorneys' Fees; Written Fee Agreements Required; Status: COD: Disapproved.

Resolution: 1-2-81; Title: Attorneys; Law Students; Training and Examination on Management Techniques; Status: COD: Disapproved.

Resolution: 1-3-81; Title: Law Schools; University of California; Part-time Degree Programs; Status: COD: Approved; BOG: Approved 2/5/82.

Resolution: 1-4-81; Title: Privilege of Confidentiality; Grievance Proceedings Conducted by Local Bar Associations; Status: COD: Approved as Amended; Category III, referred to Palo Alto Area Bar Association.

Resolution: 1-5-81; Title: Nonpayment of State Bar Dues; Retroactive Reinstatement Where No Knowledge of Suspension; Status: COD: Approved; Category II, not introduced.

Resolution: 1-6-81; Title: State Bar Court; Establish Oversight Committee; Status: COD: Disapproved.

Resolution: 1-7-81; Title: State Bar Disciplinary Procedures; Examination as an Adverse Witness; Status: COD: Approved; BOG: Referred to Committee on Adjudication and Discipline 2/5/82.

Resolution: 1-8-81; Title: Attorneys; Advertising; Use of Generic Names; Status: COD: Disapproved.

Resolution: 1-9-81; Title: Pro Bono Legal Services; Exemption from Malpractice Liability; Status: COD: Disapproved.

Resolution: 1-10-81; Title: Lawyer Referral Services; Disclosure of Discipline of Member; Status: COD: Approved; Category III, referred to Beverly Hills Bar Association.

Resolution: 1-11-81; Title: Conference of Delegates; Unilateral Withdrawal of Conference Resolutions; Status: COD: Approved as Amended; BOG: Disapproved 4/2/82.

Resolution: 2-1-81; Title: Nuclear Power Plant Licensing; Cost Analysis Required; Status: COD: Disapproved.

Resolution: 2-2-81; Title: Federal War Powers Act; Consultation with Congress Prior to Use of Nuclear Arms; Status: COD: Disapproved.

Resolution: 2-3-81; Title: U.S. Presidency; Limit to Single Six-year Term; Status: COD: Disapproved.

Resolution: 2-4-81; Title: Lieutenant Governor; Limitations on Power; Status: COD: Approved; Category III, referred to Beverly Hills Bar Association.

Resolution: 2-5-81; Title: Olympic and Pan American Games; Participation of United States' Athletes; Status: COD: Disapproved.

Resolution: 2-6-81; Title: Federal Budget; Transfer of Funds for Use in Cities to Meet Specified Needs and for the Maintenance of Social Security; Status: COD: Disapproved.

Resolution: 2-7-81; Title: Judicial Salaries; Removal of Five Percent Limit on Increases; Status: COD: Action Unnecessary.

Resolution: 2-8-81; Title: Judges; Teaching at public Law Schools; Status: COD: Approved, Category I, ACA 78 (Berman) held at request of author.

Resolution: 2-9-81; Title: Judges; Election; Candidate's Statement; \$1,000 Maximum Cost; Status: COD: Approved; Category III, referred to Beverly Hills Bar Association.

Resolution: 2-10-81; Title: Minimum Automobile Insurance Requirements; Status: COD: Approved; Category II, not introduced.

Resolution: 3-1-81; Title: Withdrawal of Lis Pendens; Deletes Requirement of Dismissal of Underlying Cause of Action; Status: COD: Approved; Category II, AB 3618 (Kapiloff) passed by Senate Judiciary Committee 6/15/82.

Resolution: 3-2-81; Title: Lis Pendens; Attorneys' Fees on Motion To Expunge; Status: COD: Disapproved.

Resolution: 3-3-81; Title: Unlawful Detainer; Damages on Lease Forfeiture; Status: COD: Approved; Category II, AB 3552 (Robinson) passed by Senate Judiciary Committee 6/22/82.

Resolution: 3-4-81; Title: Leased Premises; Tenant's Right to Repair or Vacate; Status: COD: Disapproved.

Resolution: 3-5-81; Title: Mobile Homes; Disposition After Termination of Tenancy; Status: COD: Referred to Executive Committee.

Resolution: 3-6-81; Title: Rent Control; Status: COD: Disapproved.

Resolution: 3-7-81; Title: Homestead Exemption; Increase in Value; Status: COD: Approved; Category I, AB 707 (McAlister) passed by Senate Judiciary Committee 6/22/82.

Resolution: 3-8-81; Title: Real Property; Money Damages in Lieu of Specific Performance; Status: COD: Withdrawn.

Resolution: 3-9-81; Title: Mechanic's Liens; Repeal of Constitutional Provision; Status: COD: Disapproved.

Resolution: 3-10-81; Title: Subdivisions; Condominiums; Documents To Be Provided Purchaser; Status: COD: Referred To Executive Committee.

Resolution: 3-11-81; Title: Subdivision Map Act; Offers for Sale Permitted Before Filing of Final Map; Status: COD: Approved; Chapter 87, Statutes of 1982.

Resolution: 3-12-81; Title: Deficiency Judgments after Exercise of Power of Sale in Deed of Trust or Mortgage; Qualified or Exempt Securities; Status: COD: Approved as Amended; Category IV, Referred to Business Law and Real Property Law Sections.

Resolution: 4-1-81; Title: Rate of Interest; Contracts; Status: COD: Disapproved.

Resolution: 4-2-81; Title: Workers' Compensation; Coverage of Jury Duty; Status: COD: Disapproved.

Resolution: 4-3-81; Title: Banking; State of California Deposits; Status: COD: Disapproved.

Resolution: 4-4-81; Title: Restaurants; Statement of Caloric Content on Menu; Status: COD: Disapproved.

Resolution: 4-5-81; Title: Liquor License Transfers; Claims by Judgment Creditors; Status: COD: Approved as Amended; Category III, referred to Orange County Bar Association.

Resolution: 4-6-81; Title: Income Tax; Net Operating Loss Carryback and Carryforward; Status: COD: Approved; Category III, referred to San Fernando Valley Bar Association.

Resolution: 5-1-81; Title: Unlawful Assembly; Exemption of News Media from Order to Disperse; Status: COD: Disapproved.

Resolution: 5-2-81; Title: Controlled Substances; Possession in Correctional Facilities; Status: COD: Approved; Category III, referred to San Bernardino Bar Association.

Resolution: 5-3-81; Title: Child Abuse; Definition of Sexual Assault for Reporting Purposes; Status: COD: Action Unnecessary.

Resolution: 5-4-81; Title: Carnal Abuse; Sterilization of Certain Offenders; Status: COD: Approved; Category II, SB 1998 (Watson) passed by Senate 5/11/82.

Resolution: 5-5-81; Title: Prostitution Laws; Requires Reports to Determine the Cost of Enforcement; Status: COD: Disapproved.

Resolution: 5-6-81; Title: Prostitution; Regulation; Status: COD: Disapproved.

Resolution: 5-7-81; Title: Criminal Procedure; Instruction on Eyewitness Identification Testimony; Status: COD: Disapproved.

Resolution: 5-8-81; Title: Evidence; Psychotherapist Privilege; Status: COD: Approved; Category I, AB 2913 (Goggin) to Governor 6/21/82.

Resolution: 5-9-81; Title: Misdemeanor Procedures; Waivers of Personal Presence; Status: COD: Approved as Amended; Category I, AB 3684 (Ingalls) passed by Assembly 5/6/82.

Resolution: 5-10-81; Title: Mentally Disordered Offenders; Outpatient Parole; Status: COD: Approved;

Category III, referred to San Diego County Bar Association.

Resolution: 5-11-81; Title: Commitment for Narcotics Addiction; Finality for Appeal Purposes; Status: COD: Approved; Category III, referred to San Diego County Bar Association.

Resolution: 5-12-81; Title: Creation of Conference Committee; Study of Third-Party Searches; Status: COD: Referred to Conference Committee.

Resolution: 6-1-81; Title: Statutory Probate Fees; Adjustments for Excessive or Inadequate Compensation; Status: COD: Disapproved.

Resolution: 6-2-81; Title: Probate Fees; Shift from Representative to Attorney; Status: COD: Disapproved.

Resolution: 6-3-81; Title: Community Property; Intestate Disposition After Filing of Petition for Dissolution; Status: COD: Disapproved.

Resolution: 6-4-81; Title: Probate; Defines "Lease" to Include Option To Purchase; Status: COD: Approved; Category I, AB 3651 (Harris) passed by Senate Judiciary Committee 6/22/82.

Resolution: 6-5-81; Title: Summary Probate; Expansion of Proceedings; Status: COD: Referred to Executive Committee.

Resolution: 6-6-81; Title: Conservatorship; Substituted Judgment; Status: COD: Approved as Amended; Category II, AB 3530 (Rosenthal) failed passage in Senate Judiciary Committee.

Resolution: 6-7-81; Title: Estate and Inheritance Taxes; Disclaimer of Bequest; Status: COD: Approved; Category IV, Referred to Taxation Section.

Resolution: 6-8-81; Title: Probate; Calculation of Appraisal Fees; Status: COD: Disapproved.

Resolution: 6-9-81; Title: Inheritance Tax; Orphan's Exemption; Status: COD: Approved; Category I, not introduced.

Resolution: 6-10-81; Title: Inheritance Tax; Post Mortem Interest on Life Insurance; Status: COD: Disapproved.

Resolution: 6-11-81; Title: Inheritance Tax; Limited Power of Appointment; Status: COD: Approved; Category I, not introduced.

Resolution: 7-1-81; Title: Attorneys' Fee Orders in Family Law Matters; Mandatory Assignment of Wages; Status: COD: Disapproved.

Resolution: 7-2-81; Title: Division of Community Property; Valuation of Property at a Date Other Than Trial; Status: COD: Disapproved.

Resolution: 7-3-81; Title: Spousal Support; Examination by Licensed Vocational Counselor; Status: COD: Action Unnecessary.

Resolution: 7-4-81; Title: Dissolution and Separation; Duty of Attorney to Advise Client of Rights of Creditors; Status: COD: Action Unnecessary.

Resolution: 7-5-81; Title: Dissolution; Satisfaction of Tort Judgment Against Married Person Pending Dissolution; Status: COD: Disapproved.

Resolution: 7-6-81; Title: Child Custody; Award of Custody or Visitation to a Nonparent; Status: COD: Approved as Amended; Category I, SB 1944 (Sieroty) passed Senate 5/20/82.

Resolution: 7-7-81; Title: Spousal Support; Cohabitation of Supported Spouse; Status: COD: Disapproved.

Resolution: 7-8-81; Title: Adoption of Minors; Consent of Natural Parents in Independent Adoptions; Status: COD: Disapproved.

Resolution: 7-9-81; Title: Child Custody; Award of Custody and Visitation Rights; Status: COD: Disapproved.

Resolution: 7-10-81; Title: Child Custody; Award of Visitation to Stepparents; Status: COD: Approved; Category III, referred to Beverly Hills Bar Association.

Resolution: 7-11-81; Title: Custody; Court's Authority to "Grant" Joint Custody and Criteria To Be Considered; Status: COD: Disapproved.

Resolution: 7-12-81; Title: Custody Investigation; Availability of Reports to the Parties; Status: COD: Approved as Amended; Category II, not introduced.

Resolution: 7-13-81; Title: Paternity and Child Support; Compensation of Counsel Appointed for Indigent Defendants; Status: COD: Approved; Category I, AB 622 (Brown) passed by Senate Judiciary Committee 8/20/81.

Resolution: 7-14-81; Title: Paternity and Child Support; Compensation of Counsel Appointed for Indigent

Defendants; Status: COD: Approved as Amended; Category I, AB 622 (Brown) passed by Senate Judiciary Committee 8/20/81.

Resolution: 7-15-81; Title: Harassment; Records and Enforcement of Temporary Restraining Orders; Status: COD: Action Unnecessary.

Resolution: 7-16-81; Title: Harassment; Records and Enforcement of Temporary Restraining Orders; Status: COD: Approved as Amended; Moot, Chapter 182, Statutes of 1981.

Resolution: 7-17-81; Title: Domestic Violence Prevention Act; Appointment of District Attorney for Private Enforcement; Status: COD: Approved as Amended; Moot, Chapter 182, Statutes of 1981.

Resolution: 7-18-81; Title: Domestic Violence; Duration, Termination, and Extension of Temporary Restraining Orders; Status: COD: Approved; Category II, AB 3569 (Moore) to Governor 6/22/82.

Resolution: 7-19-81; Title: Domestic Violence; Restitution to Providers of Related Services; Status: COD: Approved; Category II, AB 3607 (Moorhead) passed by Assembly 5/13/82.

Resolution: 7-20-81; Title: Domestic Violence; Restitution for Psychological Care; Status: COD: Approved; Category II, AB 3607 (Moorhead) passed by Assembly 5/13/82.

Resolution: 7-21-81; Title: Hospitalization of Minors in Psychiatric Facilities; Preadmission Hearings; Status: COD: Referred to Conference Committee.

Resolution: 8-1-81; Title: Right to Privacy; Rights of Women re Family Planning; Status: COD: Approved as Amended; BOG: Declined to take a position, 2/5/82.

Resolution: 8-2-81; Title: Affirmative Action; Review of the Public and Private Sector; Status: COD: Referred to Conference Committee.

Resolution: 8-3-81; Title: Unemployment; Amendments to Humphrey-Hawkins Act; Status: COD: Disapproved.

Resolution: 8-4-81; Title: Repeal of Draft Registration Proclamation; Status: COD: Disapproved.

Resolution: 8-5-81; Title: Ratification of Convention on Prevention of Genocide; Status: COD: Approved; BOG: Declined to take a position, 2-5-82.

Resolution: 9-1-81; Title: Rate of Interest on Judgments and Prejudgment Interest; Status: COD: Approved as Amended; Category III, referred to Beverly Hills Bar Association.

Resolution: 9-2-81; Title: Interest on Damages; Non-contractual Obligations; Status: COD: Disapproved.

Resolution: 9-3-81; Title: Rate of Interest; Judgments; Status: COD: Approved as Amended; Category III, same as 9-1-81.

Resolution: 9-4-81; Title: Interest on Damages; Unliquidated Claims; Status: COD: Disapproved.

Resolution: 9-5-81; Title: Rate of Interest; Judgments; Status: COD: Approved; Chapter 150, Statutes of 1982.

Resolution: 9-6-81; Title: Attorneys' Fees; Trial de Novo after Arbitration; Status: COD: Disapproved.

Resolution: 9-7-81; Title: Costs; Amount of Tender to Include Attorneys' Fees; Status: COD: Referred to Conference Committee.

Resolution: 9-8-81; Title: Attorneys' Fees; Judicial Arbitration Sanctions; Status: COD: Disapproved.

Resolution: 9-9-81; Title: Arbitration; Increase of Compensation for Arbitrators; Status: COD: Approved as Amended; Category I, AB 843 (Berman) passed by Assembly 5/22/81.

Resolution: 9-10-81; Title: Attorneys' Fees Dispute; Arbitrations; Award of Attorneys' Fees upon Judgment by Court; Status: COD: Approved; Category III, referred to Bar Association of San Francisco.

Resolution: 9-11-81; Title: Arbitration; Mandatory Use of Judicial Council Forms for Petition and Response; Status: COD: Approved as Amended; Category III, referred to San Fernando Valley Bar Association.

Resolution: 9-12-81; Title: Notice to Health Care Provider Regarding Intention To Bring Action for Professional Negligence; Status: COD: Approved; BOG: 1982 Legislative Program, not introduced.

Resolution: 9-13-81; Title: Professional Health Care Providers' Negligence; Discipline of Attorneys for Failure To Comply with Notice Requirement; Status: COD: Approved; BOG: 1982 Legislative Program, not introduced.

Resolution: 9-14-81; Title: Professional Health Care Providers; Malpractice; Certificate of Merit; Status: COD: Approved; Category III, referred to Lawyers' Club of Los Angeles County.

Resolution: 9-15-81; Title: Statement of Damages In Personal Injury and Wrongful Death Cases; Sanctions; Status: COD: Disapproved.

Resolution: 9-16-81; Title: Small Claims Court; Increase of Jurisdictional Limits; Advisory Services; Advisory Committee; Status: COD: Approved as Amended; Category III, referred to Bar Association of San Francisco.

Resolution: 9-17-81; Title: Good Faith Settlement; Appeal from Superior Court; Status: COD: Disapproved.

Resolution: 9-18-81; Title: Good Faith Settlement; Writ of Mandate; Status: COD: Approved; Category I, AB 3712 (Stirling) passed by Assembly 5/24/82.

Resolution: 9-19-81; Title: New Trial; Grounds for Granting; Status: COD: Disapproved.

Resolution: 9-20-81; Title: Offer To Compromise; Determination of a More Favorable Judgment; Status: COD: Referred to Conference Committee.

Resolution: 9-21-81; Title: Offer To Compromise; Award of Attorneys' Fees; Status: COD: Referred to Conference Committee.

Resolution: 9-22-81; Title: Discovery; Expert Witnesses, Exchange of Information; Status: COD: Approved as Amended; Category II, AB 3689 (Ingalls) passed by Senate Judiciary Committee 6/22/82.

Resolution: 9-23-81; Title: Discovery; Expert Witnesses, Exchange of Information; Status: COD: Disapproved.

Resolution: 9-24-81; Title: Discovery; Expert Witnesses, Timing of Exchange of Information; Status: COD: Disapproved.

Resolution: 9-25-81; Title: Discovery; List of Expert Witnesses; Extending Time for Exchange; Status: COD: Approved as Amended; Category II, AB 3689 (Ingalls) passed by Senate Judiciary Committee 6/22/82.

Resolution: 9-26-81; Title: Contract Actions; Awards of Attorneys' Fees and Costs to Prevailing Party; Status: COD: Action Unnecessary.

Resolution: 9-27-81; Title: Dismissal When Hearing Not Requested Within 90 Days; Status: COD: Disapproved.

Resolution: 9-28-81; Title: Costs; Allowance of Photocopying Expense and Actual Service of Process Fees; Status: COD: Approved as Amended; Category III, referred to Beverly Hills Bar Association.

Resolution: 9-29-81; Title: Small Claims Court; Representation of Corporation on Appeal from Small Claims Court Judgment; Status: COD: Approved; Category IV, Referred to Committee on Administration of Justice.

Resolution: 9-30-81; Title: Civil Procedure; Notice of Appearance and Service of Pleadings; Status: COD: Disapproved.

Resolution: 9-31-81; Title: Sister State Judgments; Municipal Court Jurisdiction; Status: COD: Approved as

Amended; Category I, AB 3712 (Stirling) passed by Assembly 5/24/82.

Resolution: 9-32-81; Title: Probate and Civil Actions; Elimination of Certain Filing Fees; Status: COD: Approved; BOG: Disapproved as against State Bar policy 12/1/81.

Resolution: 9-33-81; Title: Judges; Peremptory Disqualification in Federal Courts; Status: COD: Approved; BOG: Referred to Committee on Federal Courts 2/5/82.

Resolution: 9-34-81; Title: Psychotherapist/Patient Privilege; Holder Where Guardian or Conservator Appointed; Status: COD: Approved; Category I, AB 3454 (Bates) passed by Assembly 6/17/82.

Resolution: 9-35-81; Title: Rate of Interest; Judgments; Status: COD: Disapproved.

Resolution: 9-36-81; Title: Discovery; Order Compelling Answers to Interrogatories; Setting Date Certain for Subsequent Hearing; Status: COD: Disapproved.

1980 RESOLUTIONS

Resolution: 1-1-80; Title: Paternity; Admissibility of Blood Tests; Status: COD: Approved as Amended; Chapter 266, Statutes of 1981.

Resolution: 1-2-80; Title: Adoption of Minors; Consent of Natural Parents in Independent Adoptions; Status: COD: Disapproved.

Resolution: 1-3-80; Title: Filing Fees; Obligation of Defaulting Respondent in Dissolution Action; Status: COD: Approved; Chapter 109, Statutes of 1981.

Resolution: 1-4-80; Title: Spousal Support; Examination by Licensed Vocational Counselor; Status: COD: Disapproved.

Resolution: 1-5-80; Title: Spousal Support; Impairment of Earning Capacity; Status: COD: Disapproved.

Resolution: 1-6-80; Title: Spousal Support; Cohabitation; Status: COD: Disapproved.

Resolution: 1-7-80; Title: Support Agreements; Court Not Obligated to Make Separate Child Support Order Where "Lester Agreement" Combines Spousal and Child Support; Status: COD: Approved; Chapter 715, Statutes of 1981.

Resolution: 1-8-80; Title: Summary Dissolution; Existence of Residential Leasehold; Status: COD: Approved; Chapter 123, Statutes of 1981.

Resolution: 1-9-80; Title: Attorneys' Fees; Temporary Award in Family Law Actions; Status: COD: Approved as Amended; Chapter 715, Statutes of 1981.

Resolution: 1-10-80; Title: Judgment Lien for Support; Release of Lien by Certificate; Status: COD: Approved; Chapter 822, Statutes of 1981.

Resolution: 2-1-80; Title: Rape; Definition; Status: COD: Approved; Category III, referred to Women Lawyers' Association of Los Angeles.

Resolution: 2-2-80; Title: Unlawful Sexual Intercourse; Punishment Where Victim Under 12 Years of Age; Status: COD: Disapproved.

Resolution: 2-3-80; Title: Sodomy and Oral Copulation by Prisoners; Status: COD: Disapproved.

Resolution: 2-4-80; Title: Civil Rights of Prisoners; Personal Visits for the Purpose of Sexual Relations; Status: COD: Approved as Amended; Category III, referred to Bar Association of San Francisco.

Resolution: 2-5-80; Title: Theft of Firearm; Punishment; Status: COD: Disapproved.

Resolution: 2-6-80; Title: Possession of Stolen Firearm; Punishment; Status: COD: Disapproved.

Resolution: 2-7-80; Title: Marijuana; Legalization of Possession, Cultivation and Transportation for Personal Use; Status: COD: Approved as Amended; Category III, referred to Bar Association of San Francisco.

Resolution: 2-8-80; Title: Death Penalty Cases; Special Report to the Supreme Court; Status: COD: Disapproved.

Resolution: 2-9-80; Title: Criminal Procedure; Closing Argument by Defense; Status: COD: Disapproved.

Resolution: 2-10-80; Title: Notification of Appeal Rights; Status: COD: Approved; Rule 535 Adopted by Judicial Council effective 7/1/81.

Resolution: 2-11-80; Title: Violation of County and City Ordinances; Classification as Infractions; Status: COD: Approved; Category I, SB 388 (Davis) failed passage in committee 5/6/81.

Resolution: 2-12-80; Title: Police Misconduct; Discovery of Police Personnel Records; Status: COD: Approved; Category IV.

Resolution: 2-13-80; Title: Searches of Non-privileged Third Party; Further Study; Status: COD: Disapproved.

Resolution: 2-14-80; Title: State Special Prosecutor; Status: COD: Disapproved.

Resolution: 2-15-80; Title: Assigned Counsel; Compensation and Standards; Status: COD: Approved as Amended; Category I, AB 1439 (Floyd) failed passage in Assembly 1/27/82.

Resolution: 2-16-80; Title: Criminal Law; State Funding of Indigent Defense Services; Status: COD: Approved as Amended; Category I, AB 1439 (Floyd) failed passage in Assembly 1-27-82.

Resolution: 2-17-80; Title: Removal of Public Defender; Status: COD: Approved; Category II, not introduced, proponent determined to take no action.

Resolution: 2-18-80; Title: Fitness of Minor; Appointment and Admissibility of Psychiatric/Psychological Evidence; Status: COD: Approved; Category II, not introduced.

Resolution: 3-1-80; Title: Professional Societies; Immunity from Liability for Public Telephone Library Services; Status: COD: Action Unnecessary.

Resolution: 3-2-80; Title: Consumer Contracts; Plain English Act; Status: COD: Disapproved.

Resolution: 3-3-80; Title: Consumer Contracts; Plain English Act; Status: COD: Disapproved.

Resolution: 3-4-80; Title: Loan Commissions; Presumption that Two Percent Is Reasonable; Status: COD: Approved; Category III, referred to San Diego County Bar Association.

Resolution: 3-5-80; Title: Property Tax; Counsel for Defense of City; Agent for Service of Process; Status: COD: Approved; Chapter 850, Statutes of 1981.

Resolution: 3-6-80; Title: Taxation; Net Operating Loss Carry-back and Carry-forward; Status: COD: Approved; Category IV.

Resolution: 3-7-80; Title: Income Taxation; Tax Simplicity Act; Status: COD: Action Unnecessary.

Resolution: 3-8-80; Title: Real Property Taxes; Changes of Ownership; Status: COD: Referred to Executive Committee.

Resolution: 3-9-80; Title: Subdivision Map Act; Absence of Updated Equalized County Assessment Roll Does Not Prevent Further Subdivision; Status: COD: Approved; Category I, not introduced.

Resolution: 3-10-80; Title: Workers' Compensation; Increased Penalty for Unreasonable Delay in Payment; Status: COD: Approved; Category II, not introduced.

Resolution: 3-11-80; Title: Labor Law; Penalty for Misrepresentation That Prevents Employment of Former Employee; Status: COD: Approved; Chapter 513, Statutes of 1981.

Resolution: 3-12-80; Title: Employment Practices; Religious Accommodation; Status: COD: Disapproved.

Resolution: 3-13-80; Title: Practice of Medicine; Over-the-counter Pregnancy Tests; Status: COD: Approved; Category III, referred to Women Lawyers' Association of Los Angeles.

Resolution: 4-1-80; Title: Attorneys; Representation of Organizations; Status: COD: Postponed Indefinitely.

Resolution: 4-2-80; Title: Attorneys; Avoiding Representation of an Adverse Interest; Status: COD: Postponed Indefinitely.

Resolution: 4-3-80; Title: Attorneys; Duty to Prevent or Disclose Violation of Law; Status: COD: Postponed Indefinitely.

Resolution: 4-4-80; Title: Rules of Professional Conduct for Prosecutors; Status: COD: Postponed Indefinitely.

Resolution: 4-5-80; Title: Attorneys; Standards for Client Communication; Status: COD: Postponed Indefinitely.

Resolution: 4-6-80; Title: Attorneys; Limitations on "Revolving Door" Employment; Status: COD: Postponed Indefinitely.

Resolution: 4-7-80; Title: Attorneys; Rules for Vicarious Disqualification; Status: COD: Postponed Indefinitely.

Resolution: 4-8-80; Title: Attorneys; Written Fee Agreements; Status: COD: Postponed Indefinitely.

Resolution: 4-9-80; Title: Admission to Practice; Extension of Time for Hearings as to Moral Character of Applicants; Status: COD: Approved; BOG: Disapproved 2-28-81.

Resolution: 4-10-80; Title: State Bar; Adoption of Bylaws; Status: COD: Disapproved.

Resolution: 4-11-80; Title: State Bar; Time for Annual Meeting; Status: COD: Disapproved.

Resolution: 5-1-80; Title: Attorneys' Fees; Award to Prevailing Party; Status: COD: Approved in 1981 on recommendation of Conference Committee; Category II, not introduced.

Resolution: 5-2-80; Title: Attorneys' Fees; Sanctions for Frivolous Motions; Status: COD: Disapproved in 1981 on recommendation of Conference Committee.

Resolution: 5-3-80; Title: Summary Judgment; Attorneys' Fees for Motions Made in Bad Faith; Status: COD: Disapproved in 1981 on recommendation of Conference Committee.

Resolution: 5-4-80; Title: Attorneys' Fees; Increase in Fees Which Can Be Awarded in Civil Actions to Review Administrative Proceedings; Status: COD: Approved; Category II, AB 1359 (Berman) failed passage in Senate Finance Committee 9/2/81.

Resolution: 5-5-80; Title: Privileged Information; Elimination of Disclosure in Hearing on Privilege; Status: COD: Approved as Amended; BOG: 1981 Legislative Program, not introduced.

Resolution: 5-6-80; Title: Destruction of Documents Served in Litigated Proceedings; Status: COD: Referred to Executive Committee.

Resolution: 5-7-80; Title: Subpoena; Distance Limitation; Status: COD: Approved; Chapter 184, Statutes of 1981.

Resolution: 5-8-80; Title: Subpoena Duces Tecum; Service on Records Custodian by Return Receipt Mail; Status: COD: Approved; Category I; AB 1983 (Harris) died in committee.

Resolution: 5-9-80; Title: Written Interrogatories; Custody of Original Interrogatories; Service of Original Responses; Status: COD: Approved as Amended; Category II, not introduced, proponent determined to take no action.

Resolution: 5-10-80; Title: Requests for Admission of Genuineness of Documents or Truth of Facts; Custody of Original Requests; Service of Original Responses; Status: COD: Approved as Amended; Chapter 225, Statutes of 1981.

Resolution: 5-11-80; Title: Discovery; Approved Written Interrogatories; Status: COD: Disapproved.

Resolution: 5-12-80; Title: Interrogatories and Requests for Production of Documents; Duty to Supplement Responses; Status: COD: Disapproved.

Resolution: 5-13-80; Title: Request for Admission; Sanctions for Improper Failure to Admit; Status: COD: Approved; Category II, AB 1889 (Floyd) died in committee.

Resolution: 5-14-80; Title: Venue Jurisdictional in Unlawful Detainer and Consumer Contract Actions; Status: COD: Approved as Amended; Chapter 38, Statutes of 1982.

Resolution: 5-15-80; Title: Service by Mail; Extension of Time; When Applicable; Status: COD: Disapproved.

Resolution: 5-16-80; Title: Notice of Appeal; Thirty-day Extension of Time Where Petition for Writ Is Denied; Status: COD: Approved; BOG: Referred to Committee on Administration of Justice.

Resolution: 5-17-80; Title: Discovery in Administrative Proceedings; Witness Lists and Copies of Documents; Status: COD: Approved as Amended; Category III, referred to Lawyers' Club of Los Angeles.

Resolution: 5-18-80; Title: Statute of Limitations; Tolling Time for Cross-complaint; Status: COD: Disapproved.

Resolution: 5-19-80; Title: Zoning Appeals; 180-day Statute of Limitations Applied to Charter Cities; Status: COD: Approved; Category I, SB 1108 (Speraw) passed by Assembly Housing and Community Development Committee 3/3/82.

Resolution: 5-20-80; Title: Appeals from Writs; No Appeal Where Writ Directed to a Municipal or Justice Court; Status: COD: Approved as Amended; Category III, referred to Los Angeles County Bar Association.

Resolution: 5-21-80; Title: Service by Return Receipt Mail; Status: COD: Approved as Amended; Category II, AB 1890 (Floyd) died in committee.

Resolution: 5-22-80; Title: Small Claims Court; Increasing Jurisdictional Limitation; Status: COD: Approved; Chapter 957, Statutes of 1981.

Resolution: 5-23-80; Title: Homestead; Execution on Real Property; Jurisdiction to Determine Validity of Liens;

Status: COD: Disapproved in 1981 on recommendation of Conference Committee.

Resolution: 5-24-80; Title: Law & Motion; Uniform Time for Filing; Status: COD: Postponed Indefinitely.

Resolution: 5-25-80; Title: Medical or Dental Malpractice; Certificate of Merit by Attorney; Status: COD: Approved; Category II, AB 1636 (Moorhead) died in committee.

Resolution: 5-26-80; Title: Subpoena Duces Tecum re Deposition; Filing and Service of Supporting Affidavit; Status: COD: Approved as Amended; Chapter 189, Statutes of 1981.

Resolution: 5-27-80; Title: Mechanic's Liens; Definition of "Claim of Lien"; Requirements for Recordation; Status: COD: Approved; Chapter 321, Statutes of 1981.

Resolution: 6-1-80; Title: Election of Judges; "No Opponent" Elections for All Judges; Status: COD: Disapproved in 1981 on recommendation of Conference Committee.

Resolution: 6-2-80; Title: Election of Judges; "No Opponent" Elections Optional for Municipal and Justice Courts; Status: COD: Disapproved in 1981 on recommendation of Conference Committee.

Resolution: 6-3-80; Title: Judicial Selection; Merit Selection Commissions; Status: COD: Disapproved in 1981 on recommendation of Conference Committee.

Resolution: 6-4-80; Title: Compensation of Judges; Increase in Time Limits After Submission; Status: COD:

Approved as Amended; Category III, referred to Santa Clara County Bar Association.

Resolution: 6-5-80; Title: Law and Motion; Tentative Rulings; Uniform Time for Filing; Status: COD: Approved as Amended; Chapter 197, Statutes of 1981.

Resolution: 6-6-80; Title: Hearing in Supreme Court; Time Limitations; Status: COD: Approved; Category IV.

Resolution: 6-7-80; Title: Attire of Attorneys in the Courtroom; Status: COD: Disapproved.

Resolution: 7-1-80; Title: Alcohol and Drug Program; County Funding Must Reflect Parity of Services for Women; Status: COD: Approved; Category III, referred to Women Lawyers' Association of Los Angeles.

Resolution: 7-2-80; Title: Birth Certificates; Separation of Names from Health and Statistical Information; Status: COD: Postponed Indefinitely.

Resolution: 7-3-80; Title: Paternity Investigation; Limitations; Status: COD: Approved as Amended; Category II, not introduced.

Resolution: 7-4-80; Title: Establishment of Committee to Report on Civil Liberty Violations; Status: COD: Referred to Executive Committee.

Resolution: 7-5-80; Title: Banks; Deposit of State Funds; Apartheid Governments; Status: COD: Disapproved.

Resolution: 7-6-80; Title: Affirmative Action; Special Committee to Study Employment and Education Programs; Status: COD: Approved as Amended; Report of

Human Rights Committee Referred to Conference Committee in 1981.

Resolution: 7-7-80; Title: Abortion; Amicus Curiae Brief Opposing Limitations on Federal Funding; Status: COD: Action Unnecessary.

Resolution: 8-1-80; Title: Probate; Notice of Petition for Probate of Will; Status: COD: Action Unnecessary.

Resolution: 8-2-80; Title: Probate; Notice of Petition for Letters of Administration; Status: COD: Action Unnecessary.

Resolution: 8-3-80; Title: Probate; Publication of Notice; Status: COD: Approved; Category III, referred to Alameda County Bar Association.

Resolution: 8-4-80; Title: Probate; Publication of Notice; Status: COD: Approved; Category III, referred to Fresno County Bar Association.

Resolution: 8-5-80; Title: Probate; Procedure for Challenging Appraisals; Status: COD: Disapproved.

Resolution: 8-6-80; Title: Probate; Removal of Executor; Status: COD: Postponed Indefinitely.

Resolution: 8-7-80; Title: Probate; Attorneys as Executors; Status: COD: Disapproved.

Resolution: 8-8-80; Title: Probate; Executor and Attorneys' Fees; Status: COD: Disapproved.

Resolution: 8-9-80; Title: Trusts; Compensation of Trustee's Advisors; Status: COD: Approved; Category I, not introduced.

Resolution: 8-10-80; Title: Probate; Arrangement for Payment of Federal Estate Taxes Before Final Distribution; Status: COD: Approved; Category II, not introduced, proponent determined to take no action.

Resolution: 8-11-80; Title: Inheritance Tax; Expanded Definition of "Class A" Transferees; Status: COD: Disapproved.

Resolution: 8-12-80; Title: Interitance Tax; Increased Exemption Amount; Status: COD: Approved; Category III, referred to Long Beach Bar Association.

Resolution: 8-13-80; Title: Inheritance Tax; "Class A" Transferees; Increased Exemption Amount; Status: COD: Action Unnecessary.

Resolution: 8-14-80; Title: Gift Tax; "Class A" Donees; Increased Exemption Amount; Status: COD: Action Unnecessary.

Resolution: 8-15-80; Title: Taxation; California Inheritance Tax; Status: COD: Approved; Category III, referred to Alameda County Bar Association.

Resolution: 8-16-80; Title: Inheritance Tax; Inter Vivos Transfers; Status: COD: Approved; Category III, referred to San Diego County Bar Association.

Resolution: 8-17-80; Title: Probate; Appointment of Multiple or Joint Guardians; Status: COD: Approved; Category III, referred to Alameda County Bar Association.

Resolution: 9-1-80; Title: Required Offering of Sex Education Classes; Status: COD: Approved; Category III, referred to Women Lawyers' Association of Los Angeles.

Resolution: 9-2-80; Title: Opposition to the United States Trade Embargo of Cuba; Status: COD: Disapproved.

Resolution: 9-3-80; Title: U. S. Presidency; Limits Elected President to a Single Six-year Term; Status: COD: Disapproved.

Resolution: 9-4-80; Title: Lieutenant Governor; Limitations on Power; Status: COD: Disapproved.

Resolution: 9-5-80; Title: Federal Budget; Transfer of Military Funds to the Needs of the Inner Cities; Status: COD: Disapproved.

Resolution: 9-6-80; Title: Department of Health Services to Establish DES Program; Status: COD: Approved; Chapter 776, Statutes of 1980.

Resolution: 9-7-80; Title: Child Care Facilities for State Employees; Status: COD: Disapproved.

Resolution: 9-8-80; Title: Wild and Scenic Rivers Act; Addition of Portions of the Stanislaus River; Status: COD: Approved.

- ATTACHMENT L

(Seal) NEWSRELEASE

THE STATE BAR OF CALIFORNIA

555 FRANKLIN STREET
SAN FRANCISCO, CALIFORNIA 94102CONTACT: Mari Weaver
(415) 561-8288STATE BAR PRESIDENT OPPOSES CONTRACT
DEFENSE SYSTEMS

LOS ANGELES, April 6 – State Bar of California President Anthony Murray of Los Angeles today criticized the trend toward counties contracting for criminal defense services and cutting back or eliminating public defenders' offices as an approach "that replaces the standard of effective counsel with a new standard of efficient counsel" and threatens to "give lip service to the right to counsel, while providing the bare minimum."

At a state bar-sponsored symposium here on criminal defense services, Murray said the contract system of meeting the criminal defendant's constitutional right to counsel "builds in a strong, and often irresistible, financial incentive to dispose of cases quickly and early. It creates an economic disincentive to a complete and thorough defense."

Murray's comments focused on approaches taken in a number of California counties, including San Diego and portions of Los Angeles, to replace or supplement a public defender with private contracts with lawyers and law

firms. The system has gained popularity in recent years in California and across the country as a method of cutting the cost of providing legal services for criminal defendants too poor to afford to hire a lawyer. In California, the counties bear the brunt of the cost for providing indigent defense services, and most counties have seen their budgets slashed in recent years.

But Murray blasted "the budgetary solution that is so attractive to counties living under the sword of Proposition 13" – putting out legal services contracts to competitive bid and awarding the contract to the lowest bidder, while cutting back or doing away with the public defender's office. In other cases, he said, contracts are awarded to lawyers willing to handle a specific number of cases for a flat fee, which Murray said allows the lawyer "to realize his financial reward only by arranging early disposition and minimizing his efforts in behalf of his clients." Either approach, he said, sacrifices quality for lower costs.

"Up and down the state, counties are looking for ways of providing cheaper legal services," Murray said. "The question now debated by Boards of Supervisors is: How can we provide less? And the unspoken question: How can we give lip service to the right of counsel while providing the bare minimum?"

"No one suggests that the public prosecutor's office should be eliminated, or that we should be satisfied with 'minimally-adequate' prosecution of crime," Murray said. "And no one suggests that prosecution services should be put out to private bid."

The state bar president strongly discouraged the use of a contract system for handling "conflict cases" – those which the public defender is unable to handle due to a conflict of interest – in the Central District of Los Angeles, where such a proposal now is being considered by the Los Angeles County Board of Supervisors. He cited numerous problems in San Diego County, where a contract system substitutes for a public defender. Among other things, he said, "the best lawyers boycott the system."

"There is an irreconcilable conflict between a system designed to provide the cheapest-possible services, and the need to provide effective representation," Murray said.

The three-day Los Angeles symposium, titled "Fiscal Crisis: The Administration of the Criminal Justice System in the Coming Decade," is the third and final conference on the subject of contract and other defense systems sponsored by the Committee on the Delivery of Legal Services to Criminal Defendants of the state bar's Legal Services Section. The committee will prepare a report based on the testimony of defense lawyers, judges, county officials and others it has received at this and the two earlier symposia last year.

In his opening comments at today's meeting, Murray urged the committee to adopt recommendations "supporting the public defender system as the primary defense provider; insisting that any backup services, for conflicts or overflow, be judged by quality instead of

solely by cost; and opposing the fixed-price private contract system as inconsistent with the public obligation to provide effective assistance of counsel."

The symposium continues all day Thursday, April 7, and until noon on Friday, April 8, at the Criminal Courts Building in Los Angeles, 210 West Temple Street.

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STATE BAR OPPOSES CUTS TO STATE PUBLIC DEFENDER'S OFFICE

SAN FRANCISCO, February 26 – The Board of Governors of The State Bar of California today indicated strong support for the Office of the State Public Defender and opposed any reduction of services that would result from budget cuts Governor George Deukmejian is proposing for next year.

The board's action at its monthly meeting here came in response to Governor Deukmejian's proposed 1983-84 budget in which the State Public Defender's allotment is cut from its present \$7.6 million level to \$3.9 million.

Calling the reduction a "meat-axe approach," state bar President Anthony Murray of Los Angeles said, "In my view, this represents the hostility of the Governor's office to the concept of a state public defender."

Similar concerns about the effects of the proposed cuts on the quality of defense provided for the poor have been expressed by the state Supreme Court, The Bar Association of San Francisco, the Los Angeles County Bar Association and many appellate justices.

In other action at this meeting, the board:

*Approved a state legislative proposal that would permit the release of certain nonviolent prisoners when prisons become overcrowded. SB 50 (Presley, D-Riverside) is an emergency stopgap measure that during the next three years would permit the state Department of Corrections to advance the release dates of nonviolent prisoners by as much as three months when the state prison system's population exceeds 120 per cent of capacity.

*Opposed two proposed state constitutional amendments that would shorten the terms of office and require contested elections for state Supreme Court and appellate court justices. ACA 12 (Statham, R-Redding) would halve the present 12-year-term for justices on both courts to six years, while ACA 15 (Bradley, R-Escondido) would replace the present requirement for confirmation votes after a justice is appointed with contested, nonpartisan races. The state bar contends that the amendments would erode judicial independence by injecting politics into judicial decision-making. Proponents argue the measures would increase justices' accountability to voters.

*Approved proposed revisions to the state Code of Civil Procedure that would, among other things, create a procedure for the forced disqualification of appellate justices from hearing certain cases, define the circumstances under which judges should disqualify themselves from cases because of relationships with clients or lawyers, and strictly limit a judge's ability to act on a case after a statement calling for the judge's disqualification was filed.

*Approved a proposed amendment to the state Civil Code that would permit a court to order one spouse to leave a family home during divorce proceedings if, after a court hearing, the court is convinced that one spouse may physically or emotionally harm the other. Currently, courts require evidence of an assault or threat of an assault before they will exclude either spouse from the home.

*Approved a proposed amendment to the state Civil Code that would extend to lawyer referral services a three-year time limit on the service's duty to disclose to the public the disciplinary record of panel members. While most professional referral agencies now operate under the three-year limit, lawyer referral services must report any disciplinary action against their members, no matter how long ago the discipline occurred. The proposed amendment to the Civil Code was approved last September by the state bar's Conference of Delegates, representing local bar associations throughout the state.

*Approved a proposed amendment to the State Penal Code that would provide workers' compensation coverage to attorneys who volunteer as special masters to

accompany law enforcement personnel when search warrants are issued against lawyers, doctors, psychotherapists or clergymen.

*Recommended that the state Judicial Council adopt court rules that would permit a single judge to preside over all aspects of a complex case. Under current state court rules, pretrial proceedings are handled by one or more judges while a different judge presides over a trial. According to the state bar's Committee on Administration of Justice, a single judge could handle complex cases more efficiently.

*Amended the rules of the state bar's Commission on Judicial Nominees Evaluation to permit members of the state bar's Board of Governors to attend committee meetings and hear confidential information. Under state law, the commission reviews the qualifications of all persons under consideration for judicial appointment to California's trial or appellate courts. The amendment would impose on the board members the same prohibitions that now apply to commission members against disclosing confidential information about a judicial candidate.

*Amended the state bar's Rules of Procedure under which the State Bar Court places a mentally or physically incapacitated lawyer on inactive status. The changes are aimed at eliminating delays that now occur, particularly in the investigative stages of incapacity proceedings.

*Provided \$5,000 to fund an *ad hoc* committee to study whether to create a civil litigation section of the state bar.

*Approved an application by the Women Lawyers of Placer County to be represented in the state bar's Conference of Delegates.

*Agreed to co-sponsor with Law in a Free Society a California Conference on Youth Education for Citizenship scheduled for March 15-17 in Sacramento.

The next meeting of the board will be held Saturday, March 26 at 9 a.m. at the bar's Los Angeles office, 1230 West Third Street. The meeting will be open to the public, except for closed agenda items.

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STATE BAR PRESIDENT CALLS ATTACKS ON JUDGES POLITICALLY MOTIVATED

SAN FRANCISCO, October 8 - State Bar of California President Anthony Murray today issued the following response to the formation of "Californians for Judicial Reform," a committee led by various Republican party leaders and organized to campaign for the defeat of three

new justices of the state Supreme Court whose names will appear on the November 2 state ballot for voter approval of their 12-year appointive terms in office.

False and misleading statements made by a newly-formed committee of political partisans campaigning to defeat three California Supreme Court justices in the November election must be collected.

The committee, which calls itself "Californians for Judicial Reform," claims it is not trying to politicize the judiciary. This claim cannot be accepted. Committee members are Republican party officials and candidates for office. Its leaders are the Republican candidates for Attorney General, Lieutenant Governor and the Assembly, and a chairperson of the Santa Barbara County Republican Central Committee.

The names of the three justices will appear on the ballot in an uncontested election that, according to law, must be nonpartisan. The Republicans' attack on the justices is a illegible disguised and deplorable attempt to drag the Supreme Court into partisan politics and to accomplish political goals at the expense of our system of justice. The politicians want to remove the justices so they can appoint their own supporters if their candidate for Governor is elected.

The New Committee's claim that judges appointed by Governor Brown are "activists" and "pro-defendant" is as irresponsible as it is inaccurate. In 1981, 86.3 per cent of the persons charged with felonies in California were convicted. California imprisons a higher percentage of its criminal offenders than any other state or any other nation with available statistics, with the exceptions of South Africa and the Soviet Union. In 1977, 10,400 persons were committed to prison

in California; in 1982, 19,000 persons already have been sent to prison. *Per capita* prison commitments have increased approximately 80 per cent in five years, and California's prisons are now so overcrowded that their population has reached 125 per cent of capacity.

The Committee's leaders accused the California Supreme Court of "flip-flopping" on certain cases on which the court's decision was changed after rehearing. But the Committee did not reveal the fact that *none of the three justices whom the Committee is trying to unseat was on the Court or even had been appointed when those decisions were made.* Nevertheless, the politicians used those cases against the justices who had nothing to do with deciding them.

These unfair political tactics must be exposed. Nothing could be more destructive to our democratic system, which depends on a judiciary that is independent of partisan politics and that has the courage to decide cases on the facts and the law, not to please the politicians.

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STATE BAR GOVERNING BOARD LAUNCHES
 PUBLIC EDUCATION PROJECT ON
 JUDICIAL INDEPENDENCE

SAN FRANCISCO, October 1 - The Board of Governors of the State Bar of California today unanimously adopted a resolution intended to launch a public education project aimed at fostering "understanding and respect for constitutional principles concerning the 'rule of law,' the 'separation of powers,' and the 'nonpartisan' nature and role of the court system and judicial offices."

State bar President Anthony Murray of Los Angeles called the action an "historic" occasion in the bar's long involvement in preserving the independence of the judiciary, and said the unanimous approval of the resolution was "gratifying and appropriate."

"This is not an issue that should divide the bar down partisan political lines," he said. "The preservation of an independent judiciary is and properly should be an issue on which the legal profession is united."

In its resolution, the board declared that the federal and state constitutions require judges "to decide cases properly before them solely on the merits and to do so independently of partisan political pressures or considerations; to exercise the power of judicial review; to decide whether an enactment of the legislature or the voters is constitutional; and to overturn enactments of the legislature or the voters if they conflict with higher law."

"It is the duty of attorneys under law to support the Constitution and laws of the United States and of this state, and to maintain the respect due to the courts of justice and judicial offices," the resolution says.

The resolution calls for the state bar and its members to:

*Take steps to maintain and promote understanding and confidence in the need for an independent judiciary.

*Explain "the differences between valid, constructive criticism of the decisions and processes of our courts, on the one hand, and on the other hand, unfounded criticism which erodes our system of justice."

*Assist the public in understanding the responsibility of the courts "to strike that elusive and proper balance between the constitutional rights of the accused in criminal cases and the rights of society which must be protected from criminal conduct."

Murray says a packet of information included a sample speech on judicial independence, pertinent statistics and various "how to" guides immediately will be mailed to California local bar associations and other groups to facilitate their participation in the statewide public education effort.

SEAL NEWSRELEASE
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NEW STATE BAR LEADER VOWS TO DEFEND JUDICIAL INDEPENDENCE

SACRAMENTO, September 12 – Attorney Anthony Murray of Los Angeles today used the occasion of his swearing in as president of The State Bar of California to announce a statewide program to educate the public about the role of the judiciary and to defend California judges against political attack. In his remarks, which were interrupted by applause nine times, Murray criticized what he called "the idiotic cries of self-appointed vigilantes" who threaten to campaign against the election, retention or confirmation of judges for political reasons.

Declaring that the defense of the judiciary would be the highest priority of his term in office, Murray called upon the representatives of local bar associations assembled for the state bar's Annual Meeting and Conference of Delegates to join in a statewide project that will include public speeches and resolutions by local and state bar leaders. Murray said that the state bar will provide advice and sample materials to "maximize the effectiveness of the campaign."

"We must make it clear that the only legitimate basis for refusing to retain or for recalling a justice is a showing of incapacity or misconduct in office," Murray said, explaining that the courts' role of reviewing the constitutionality of enactments of the legislature or the voters is, by definition, "antimajoritarian." "They are required to overturn the popular will if it conflicts with a higher law," the newly-installed head of the official organization of California's 75,000 attorneys said of the courts. "That is their absolute responsibility."

He said it was likely that attacks on the judiciary would be stepped up "in the weeks and months ahead" as the state Supreme Court may be called upon to consider challenges to the constitutionality of various provisions of Proposition 8, the so-called "Victims Bill of Rights" approved by the voters in June. Recently, the court upheld the measure as complying with the constitutional requirement that a ballot initiative embrace only one subject, but it left open the possibility of hearing future challenges to specific provisions of Proposition 8.

"Already, the political opportunists hail the court's Proposition 8 decision as a political victory, claiming that the decision represents a surrender to political pressure," said Murray. "We can be assured that they will now increase the pressure to try to keep the court in line as it meets the challenges ahead. Nothing could be more destructive to our legal system."

At a press conference following his speech, Murray said that other priorities of his one-year term as state bar president include improving conditions in California's prisons, raising the level of competence of the state's

attorneys by instituting state bar certification of trial specialists and a Litigation Section of the state bar, and increasing access to legal services for low-income Californians.

Predicting "a hemorrhage of violence comparable to Attica and New Mexico" in California's prisons, Murray, who recently participated in an inspection of several prisons by the Executive Committee of the state bar's Criminal Law Section, said, "Everything about the prisons is bad."

Murray, 45, is a partner in the Los Angeles law firm of Ball, Hunt, Hart, Brown and Baerwitz. A member of the American Academy of Trial Lawyers, Murray has served on the Board of Governors of the Long Beach Bar Association and chaired the state bar's Criminal Law Section. He also has been a member of the state bar's Disciplinary Board and served on the state bar's Commission on Judicial Nominees Evaluation.

A native Californian, Murray received his J.D. from Loyola University School of Law in 1964 and became a member of the bar in 1965.

INDEPENDENCE OF THE JUDICIARY

A Speech by Anthony Murray President of The State Bar of California at his Swearing-in Ceremony at the 1982 State Bar Annual Meeting Sunday, September 12, 1982

This is a day of great pride for me. I am proud to succeed Sam Williams, who has truly been one of our

greatest presidents. May I ask you to join me now in acknowledging his outstanding work for our profession.

I am proud to stand here as a part of this great bar association: the largest state bar in the nation; the largest self-regulating agency in the world; the recognized leader among the bar associations in this country.

I am especially proud because the organized bar throughout history has repeatedly shown that it stands for principle, and that it can and will defend the great traditions that drive our legal system.

That is the lesson of history, but history is often a poor teacher. The philosopher George Santayana told us that "Those who cannot remember the past are condemned to repeat it." Today, in California, we have been condemned to repeat a part of our past. It's a sad chapter for lawyers, one that is repeated over and over again.

I refer to the recent attacks upon our courts. We can expect those attacks to increase in the weeks and months ahead. The Supreme Court's recent decision rejecting a preliminary challenge to Proposition 8, the so-called "Victims' Bill of Rights," was only an opening skirmish. The real war will soon be fought, when the court receives the onslaught of challenges to the specific provisions of Proposition 8.

Already, the court's opponents hail the Proposition 8 decision as a *political* victory, claiming that the decision represents a surrender to political pressure. We can be assured that they will now increase the pressure to try to keep the court in line as it meets the challenges ahead.

Nothing could be more destructive to our legal system. The genius of that system, and the part that the ignorant and ambitious find easiest to attack, is judicial independence: the notion that the courts must operate outside and independently of politics.

The principle was established early in the development of this nation. Just 29 years after the Declaration of Independence, the principle was put to a major test. Let's take a minute to remember our past as we prepare for the future. The year was 1805, the year the Senate of the United States conducted a celebrated impeachment trial. The named accused was Samuel Chase, Associate Justice of the United States Supreme Court. The real accused was judicial independence.

Justice Chase was a Federalist on a Federalist-dominated court, but the Republicans held the political power and wanted to purge the court of Federalists. They started with Justice Chase. Does that sound somewhat familiar? Except for the names, that story could be our story, in 1982. The presiding officer was Aaron Burr, Vice President of the United States. Justice Chase was defended by Luther Martin, the greatest trial lawyer of the time. One of the witnesses was John Marshall, Chief Justice of the United States.

The dilemma for the Republican politicians was the one that always confronts ambitious politicians who attack the courts for personal gain. They had no legally sufficient reason to remove Justice Chase. The law was against them. They wanted to impeach him as a first step in removing all the other Federalist justices, including Marshall; but Chase had not committed any high crimes

or misdemeanors which would justify impeachment under the Constitution.

The solution was the one that has been adopted throughout history: forget the legal reasons; attack the judge's *opinions* and *philosophy*. The politicians did that, and went even further. The chief architect of the impeachment campaign, Senator William Branch Giles, boldly announced that *judicial independence itself* was intolerable; that the courts were nothing more than an arm of the executive and legislative branches; and that the Senate had the authority to remove a judge if he is "disagreeable in his office, or wrongheaded."

Senator Giles shamelessly declared, in words that are disturbingly familiar today, that:

"A removal by impeachment was nothing more than a declaration by Congress to this effect: you hold dangerous opinions, and if you are suffered to carry them into effect, you will work the destruction of the nation. *We want your offices, for the purpose of giving them to men who will fill them better.*"

It was the good fortune of the nation that the Senate did not yield to the appeals of the political opportunists. It rose above partisanship. It rejected the sophistry that a judge can be removed because the politicians disagree with his judicial philosophy. The Senate declined to impeach Justice Chase, refusing to abandon the principle of judicial independence.

That was 1805. What have we learned about judicial independence since then? Sad to say, down through the 177 years since the Chase trial, we have been condemned to repeat that story, over and over again. In our own time

we have witnessed the scandalous attempts to impeach our greatest Chief Justice, Earl Warren. In California, we saw the politicians assault the great Traynor Supreme Court. And now we again suffer the hysterical, "soft-on-crime" rantings of the assailants of our own Supreme Court.

We hear of a candidate for national office, himself a lawyer, who threatens a recall of our Chief Justice if the Supreme Court dares to overturn Proposition 8; and he says the Chief Justice should be recalled *regardless of the grounds* on which the court might invalidate Proposition 8. Shades of the Chase trial. "Forget the law." "You hold dangerous opinions." "You are wrong-headed." "We want your job so we can give it to someone whom we decide is right-headed."

We hear the idiotic cries of the self-appointed vigilantes: the committee on law and order; the court watchers; the self-seeking prosecutors and lawyers who want to be judges; and every unscrupulous politician who thinks there is something in it for him if he gets in line to kick the courts which he sees as inert and defenseless. But the surprise is that our courts are not defenseless. They have the bar. They have always had the bar. They have us as the defenders of the courts. And we are defending them. From San Diego, to Los Angeles, to San Francisco, to Sacramento, the bar is rising to denounce these attacks.

It is a curious truth that the strength of our legal system is also its weakness. The great paradox is that the more the courts exercise independence from politics, the more they expose themselves to attacks based on politics.

Why does our system seem almost to invite attacks upon the courts by unscrupulous politicians? The answer lies in the nature of the duties the system asks our courts to perform. We say to the courts, "This is our Constitution. We charge you to tell us what it means." The courts must reduce to concrete terms such sublime but ethereal phrases in the California Constitution as, "All people are by nature free and independent." The court must give specific content and application to declarations that everyone has inalienable rights to "life," "liberty," "safety," to "happiness," and to "privacy." And if the courts translate the right to "happiness" into specific legal rights and duties, there will always be someone around who will say that "'happiness' doesn't mean that", so the judges who gave it that meaning should be cashiered, defeated at the polls.

That's part of the squeeze on the courts. The other part is that the courts are called upon to exercise the power of judicial review, the responsibility of deciding whether an enactment of the legislature or of the voters is constitutional. To discharge that role, the courts by definition must be antimajoritarian. They are required to overturn the popular will if it conflicts with a higher law. That is their absolute responsibility. Overturning the popular will is not popular. But in giving them that responsibility, the system casts the courts in a nearly suicidal position. The courts occupy the unenviable role of policeman for the system. We mistrust absolute, unreviewable democracy, and so we ask the courts to police the works of democracy. And when they do so they are accused of "flouting the will of the people." And around and around we go.

The bullies of our land are out to beat up on the courts, and California is not the only place where they are throwing their weight around. It seems that across the nation, wherever there is an election, the judges are called "soft on crime." In a recent editorial, the New York Times cited the spectacle of the two Republican candidates for governor, each trying to go one better in attacking New York's highest court. Said the Times, "With equal fervor, they vowed to appoint only 'tough-minded' jurists when the tender-hearted incumbents retire." The editorial concluded by proposing the only effective antidote to such poison: "Bar associations and lawyers had better prepare to defend the bench against the bullies."

In California there are many opportunities to gang up on the courts. We have retention elections for Supreme Court justices. We have recall petitions. And the same crusaders who use and manipulate these procedures as swords have invented another weapon that is far more dangerous. They call it a "Victims' Bill of Rights." This bomb will soon roll into the Supreme Court, and once again the system will call upon the court to defuse the bomb before it blows us apart.

Proposition 8 is a simplistic, almost childish, but extremely dangerous measure. It pretends to deal with the deep complexities of crime by throwing slogans at the problem. It piously declares that there is a "right to safe schools" and does nothing to make schools safe. The ultimate irony is that it leaves to the courts, the same courts that its sponsors revile so much, the job of making the schools safe. It tampers with the right to privacy, the right to bail, the insanity defense, diminished capacity, admissible evidence, and a host of other diverse subjects.

A hail of new challenges to the effects of Proposition 8 will soon rain down upon the court: denial of bail; use of illegally-obtained evidence; prohibition of plea-bargaining; the prejudicial effect of evidence no longer excluded. And the justices are expected to deal with these issues and all the while to remain unaffected by all of the jeering and threatening; they must not allow the pressure to affect their ability to perform the awesome quantities of work that flood the court in greater amounts each year.

Last year, the Supreme Court disposed of 3,179 petitions for hearing; that's 265 a month, nearly nine petitions every day of the year. In addition, the court decided 114 cases on the merits, and 27 death penalty cases came to the court by automatic appeal.

And most astonishing of all, the court performs these prodigious tasks without the slightest suggestion that it is yielding to the pressure. Now it is time for the bar to do its part. We need concrete action and we need it now.

We must make clear that the only legitimate basis for refusing to retain or for recalling a justice is a showing of incapacity or misconduct in office. We must point out that even the loudest of the Supreme Court's opponents do not suggest that there is the slightest evidence of incapacity or misconduct in office. We must make it clear that judges cannot be removed because the politicians disagree with their judicial philosophies or with specific opinions. Any other rule would replace judges with pollsters. Courts would never render a decision without first raising a finger to the political wind. That was not our system when this nation was formed, and we won't allow it to become our system today.

In the next few days I will be proposing a specific plan of action:

- The plan will enlist the help of the local bars to speak out and to describe the need for an independent judiciary.

- It will provide specific materials to the local bars to help develop speeches, speakers' bureaus, media contacts, and other programs without delay.

I call upon you as leaders of our profession to join the long and honorable tradition of the bar and to rise in defense of our courts. I ask you to mobilize support in your communities, and to denounce these political mercenaries who are trying to pull down our legal system. The preservation of our independent judiciary can be your legacy for the future of the law. That's what the bar is all about. And that is why I am so deeply honored to be a part of it.
